



**Testimony on Senate Bill 125**  
**to**  
**Senate Natural Resources Committee**  
**by Bill Bider**  
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KDHE appreciates this opportunity to provide testimony on Senate Bill 125 that amends K.S.A. 48-1603 and 48-1620 related to the management of radioactive materials. Specifically, this bill will allow for the disposal of certain wastes containing low concentrations of naturally occurring radioactive materials, commonly referred to as NORM, by below ground burial. Current law, which went into effect in the late 1980s, prohibits all burial of low-level radioactive waste regardless of the concentration and source of the radioactive isotopes. The current broad definition of "low-level radioactive waste" includes NORM.

When KDHE recently began studying alternative methods for the disposal for oil and gas drilling waste, a sampling program revealed that drill cuttings contained NORM at low concentrations similar to background levels found in common rocks and soils. Therefore, state law technically prohibits the burial of drilling waste both in on-lease pits permitted by the Kansas Corporation Commission (KCC) or in municipal solid waste landfills permitted by KDHE. Various other industrial wastes, and perhaps even certain kinds of demolition debris, could also contain some NORM and be prohibited from disposal by our current law.

It is clear that the definition of low-level radioactive waste needs to be revised to omit NORM and "technically enhanced NORM," commonly called TENORM, to conform to actual disposal practices that have been occurring in Kansas for many decades. However, it is necessary to limit the concentration of NORM and TENORM to safe levels. KDHE is proposing to establish those levels in regulations that would follow the passage of this bill that also directs KDHE to adopt such rules. Many other states around the country are also presently addressing this same issue, most notably North Dakota which is generating ten times more drilling waste than Kansas.

The passage of this bill would allow the most common disposal method for drilling waste in pits permitted by KCC to continue and it would allow KDHE to develop regulations to allow both NORM and TENORM to be disposed of in certain permitted landfills that satisfy the highest design and operating requirements. Two of the largest waste management companies in the United States that operate landfills in Kansas have expressed their support for this legislation and offered their assistance as we move forward with implementing regulations. They are Waste Management, Inc and Waste Connections.

In addition to making the necessary revisions to the law to facilitate the burial of low concentration material, the bill includes some other needed changes to the radiation laws. First, it is necessary to revise the definition of "By-product material" in K.S.A. 48-1603(a) to be equivalent to the Nuclear Regulatory Commission definition. Second, the bill replaces an antiquated term, "hazardous waste disposal facility board," with "secretary," meaning the secretary of KDHE.

We would be happy to answer any questions.