

Final Comment Summary Response
Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)
(LAC 33:XV.1403, 1404, 1407, 1408, 1409, 1410, 1411, 1412, 1416, 1417, 1418,
1420, 1421, and 1499) (RP067)

COMMENT 1: 1410.A. - "Unless otherwise exempted in accordance with LAC 33: XV.1404, persons receiving NORM waste from other persons for storage, disposal, or processing, or persons who process NORM for other persons at temporary job sites shall be specifically licensed in accordance with the requirements of this Section. Persons who are authorized to treat or dispose of NORM waste and/or waste containing NORM in accordance with Section 1412.B. shall submit an application for a specific license pursuant to Section 1410.C within 365 days of the effective date of this rule."

As explained in its previous comments to RP067, CWM is already authorized to dispose of NORM pursuant to LDEQ's Section 1412.8.2. authorization. LDEQ's 1412.8.2. authorization issued to CWM provides for procedures for compliance with applicable requirements of LAC 33:XV.Chapter 4 and includes specific sampling and analysis requirements. As stated in its earlier comments to RP067, CWM submits that the first sentence of proposed Section 1410.A. should additionally exempt those authorized under Section 1412.8.2 and thus read as follows: "Unless otherwise exempted in accordance with LAC 33: XV.1404 or authorized in accordance with LAC33:XV.1412.B.2., persons...." (Underlined language added). This addition would eliminate the need for the second sentence added by RP067S.

Alternatively, if persons authorized by LAC 33:XV.1412.B.2. are not excluded from the specific licensing requirements of Section 1410 in the first sentence, then the second sentence added to proposed Section 1410.A. in RP067S should be revised to make it clear that for persons already authorized by Section 1412.B. who make timely application pursuant to proposed Section 1410.C., their existing LAC 33:XV.1412.B.2. authorization shall continue. This clarification is appropriate due to the first sentence of proposed Section 1410.A. which mandates a specific license for persons receiving NORM waste from other persons for storage, disposal or processing. It should be made clearer that a person already authorized by Section 1412.B. can store, dispose or process NORM waste without having a specific license provided such person has timely submitted an application per Section 1410.C. Clarifying language is shown below:

§1410. ~~General Licenses: Pipe Yards, Storage Yards, or Production Equipment Yards~~ Specific Licenses

A. Unless otherwise exempted in accordance with LAC 33:XV.1404, persons receiving NORM waste from other persons for storage, disposal, or processing, or licensed in accordance with the requirements of this Section. Persons who are authorized to treat or dispose of NORM waste and/or waste containing NORM in accordance with Section 1412.B.2 may continue to treat or dispose of NORM waste and/or waste containing NORM in accordance with such Section 1412.B.2 authorization but shall submit an application for a specific license pursuant to Section 1410.C within 365 days of the effective date of this rule.

FOR/AGAINST: No arguments are necessary.

RESPONSE 1: The Department would like to clarify LAC 33:XV.1410.A. Persons authorized by LAC 33:XV.1412.B.2 will be able to continue operating until that authorization is rescinded. The facility will be able to operate during the licensing application process. The authorization under LAC 33:XV.1412.B.2 would not be considered for rescission until the facility has obtained the specific license.

COMMENT 2: 1420. Financial Security Requirements for NORM Treatment, Storage, or Disposal.

Financial security requirements are already provided for and imposed upon permitted hazardous waste TSD facilities like the CWM facility under the LHWR. See LAC 33: V, Chapter 37 and the Hazardous Waste Permit. Section 1420 should recognize and allow for financial assurance under Section 1420 to be addressed under a licensee's existing financial assurance mechanisms that are authorized under the Department's regulations for other programs:

§1420. Financial Security Requirements for NORM Treatment, Storage, or Disposal

A. Each general or specific licensee that stores NORM or NORM waste for greater than 90 days, and each specific licensee that leases or owns a physical location and that physically or chemically treats or stores NORM or NORM waste shall post with the department financial security to ensure the protection of the public health and safety and the environment in the event of

abandonment, default, or other inability or unwillingness of the licensee to meet the requirements of the Act and these rules.
Financial security shall:

* * *

5. Financial security may be established through modification or supplementation of, or in combination with, an existing financial assurance mechanism utilized by licensee that is authorized under the Department's regulations for other programs.

B. -E. ...

FOR/AGAINST: No arguments are necessary.

RESPONSE 2: The Department would like to clarify LAC XV:1420. If a facility already has financial assurance through another department permit, the Department will review that financial assurance to evaluate whether anything would need to be added to cover radiation during the application process.

COMMENT 3: Section 1410.D.3.: An application for a specific license for persons who receive NORM waste from other persons for processing or disposal, or persons who process NORM for other persons at temporary job sites in accordance with LAC 33:XV.1410.A. will be approved if:....

c. additionally, the applicant has adequately addressed the following items in the application if the applicant is a disposal facility: . . . :

Because this provision could be interpreted to mean that certain testing and procedures are required regardless of fact-specific circumstances and/or accounting for facility-specific wastewater and storm water practices or permitting under the LHWR or Water Quality (LPDES) regulations, the proposed regulation should be revised as follows to clearly recognize and provide flexibility for facility-specific facts and circumstances to be reviewed by the Department in the context of an individual facility's application to determine if such testing and procedures are applicable or required:

Section 1410. D.3. C. iii.

"3. An application for a specific license for persons who receive NORM waste from other persons for processing or disposal, or persons who process NORM for other persons at temporary job sites in accordance with LAC 33:XV.1410.A will be approved if:

c. additionally, the applicant has adequately considered and addressed the following items as applicable in the application if the applicant is a disposal facility:

- i. the identity and activity of the radioisotopes received;
- ii. procedures for groundwater and stormwater analytical testing;
- iii. procedures for addressing results of groundwater and stormwater analytical testing that exceed LAC 33:XV.499 Table II;
- iv. procedures for safely receiving the waste and onsite storage of the waste."

FOR/AGAINST: No arguments are necessary.

RESPONSE 3: The Department would like to clarify LAC 33:XV.1410.D.3. If the facility already has these procedures in place through another Department permit, the facility would only need to submit those procedures during the application process.

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COMMENT #

SUGGESTED BY

01 – 03

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Chemical Waste Management, Inc.

Comments reflected in this document are repeated verbatim from the written
submittal.

Total Commenters: 01

Total Comments: 03