

WDEA
ANNUAL
MEETING
10/12/2021

TENORM History and Solutions

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What is TENORM?

- Technologically **E**nhanced **N**aturally **O**ccurring **R**adioactive **M**aterial
- Common types of TENORM
 - Filter socks
 - Scale from piping and tubing
 - Tank sludge

Did you know?

Drill cuttings are **not** TENORM, but may be NORM

TENORM disposal at a landfill does **not** mean TENORM-only cells

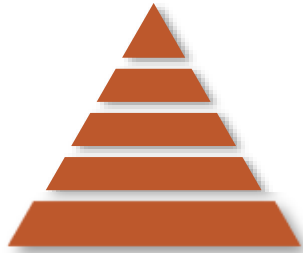
TENORM is **not** regulated by the federal government; regulations are set by state governments

Haulers of TENORM **are** required to be properly licensed by ND DEQ

TENORM Disposal Regulations

North Dakota Landfills

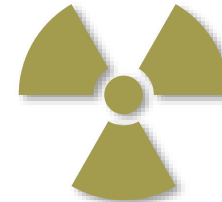
Not to exceed



25,000 tons/year



3,000 tons/month



50 pCi/g of
Ra-226 + Ra-228

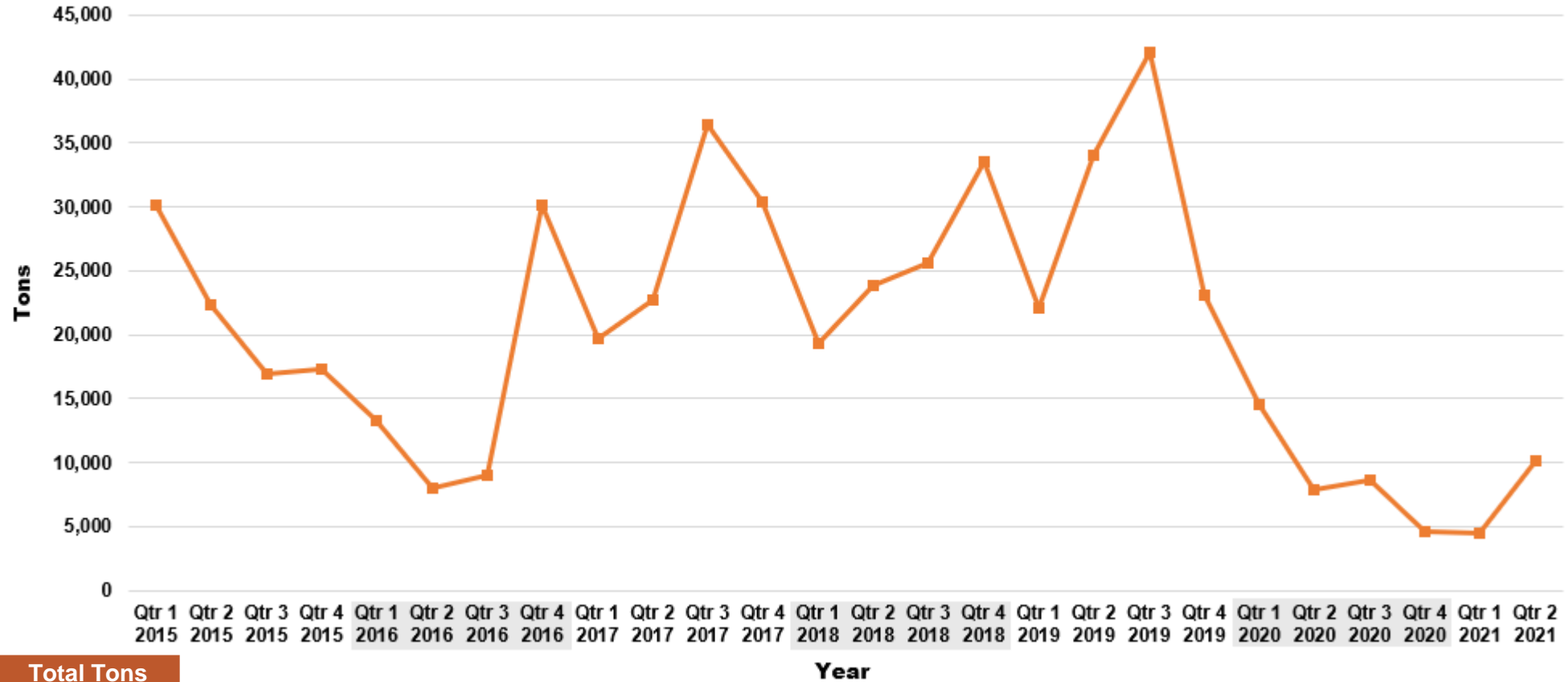
Regulations were set by the ND DEQ based on findings from an Argonne National Laboratory study

Regulations in Other States

Landfills

State	Concentration Limit	Rule or Guidance
North Dakota	50 pCi/g	Rule (2015)
Montana	50 pCi/g	Rule (2020)
Wyoming	50 pCi/g	Guidance (in the process of developing rules)
Colorado	50 pCi/g	Guidance (in the process of developing rules)
Utah	Concentration limit not specified	No rules or guidance
South Dakota	Concentration limit not specified	No rules or guidance
Idaho	Concentration limit not specified	No rules or guidance

TENORM Hauled Out of State



Year	Total Tons
2015	86,879.32
2016	60,465.03
2017	109,348.48
2018	102,433.50
2019	121,212.16
2020	35,777.00
2021 (Q1 & Q2)	14,613.49

Source: ND DEQ Solid Waste Program



What is required to operate a Special Waste Landfill?

In the context of Williams County

- ✓ Conditional Use Permit
 - ✓ To operate an Industrial and Hazardous Waste Disposal Site
 - ✓ If initial CUP did not specifically include the disposal of TENORM, then an amendment would be required
- ✓ Location is in an area that is, or could be, zoned Heavy Industrial
- ✓ Be compliant with Williams County Zoning Ordinance and Subdivision Regulations

CUP Evaluation Criteria

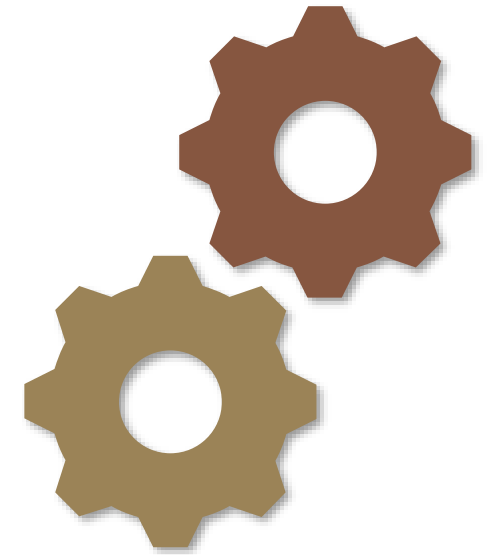
The Planning and Zoning Commission and the Board of County Commissioners shall base their decisions upon reports, information, materials, and evidence presented to them, and no CUP shall be granted unless the Board of County Commissioners finds all of the following:

1. The use complies with all applicable regulations of the district in which it is located, or a variance has been granted;
2. The use complies with the applicable development standards and performance standards of this ordinance (Article 5 and Article 6)
3. The establishment, maintenance, and operation of the use shall not be detrimental to or endanger the public health, safety or general welfare;
4. The use will not impede the normal and orderly development or impair or diminish the value and enjoyment of other property within the district;
5. The physical conditions of the site, including topography, drainage, size and shape are suitable for the proposed development;
6. Adequate utilities, access roads, drainage and other necessary site improvements have been provided or will be provided prior to the conditional use being initiated; and
7. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion, road dust and impacts to adjoining properties.

The above-enumerated criteria does not prevent the Planning and Zoning Commission and the Board of County Commissioners from considering any other factor it deems necessary in order to provide and promote the public health, safety, and welfare. Findings on the above-enumerated criteria does not need to be in writing, nor does the Planning and Zoning Commission and the Board of County Commissioners need to make a specific finding on each criteria.

Planning and Zoning Process

- ✓ Planning & Zoning Pre-Application
- ✓ Conditional Use Permit Application (\$500)
- ✓ Township board recommendation is gathered by P&Z staff
- ✓ Property owners located within a 1 mile radius are notified by P&Z staff
- ✓ Input from NDDOT, County Highway, and/or the Williams County Water Board is gathered based on P&Z Staff discretion
- ✓ Application is reviewed by WC P&Z Commission
 - Public Hearing is held
 - P&Z Commission makes a recommendation to the Board of County Commissioners (BOCC)
- ✓ Application reviewed at BOCC public meeting
 - Opportunity for public comment is typically provided
 - Final decision is made unless tabled/postponed



**Amendments follow this same process*

Events

pre-moratorium

August 6, 2019: Initial notification of County process requirements sent to Secure Energy

August 20, 2019: First BOCC Meeting on the topic

August 27, 2019: DEQ Public Hearing for Secure Energy's permit applications (radioactive material and solid waste management); comment period open until Sept 9th

August 30, 2019: Williams County P&Z formally receives application from Secure Energy for an amendment to their special waste landfill CUP

September 26, 2019: Public Information Session with presentation from ND DEQ and a Q&A with the public

October 17, 2019: WC Planning & Zoning Commission Meeting

- Public Hearing on Secure Energy Application with ND DEQ present for questions
- Presentation from Secure Energy/Radiation Pros rep

November 1, 2019: BOCC Special Meeting – delayed decision

November 19, 2019: BOCC Meeting

- Public comments accepted with ND DEQ present for Q&A

December 3, 2019: BOCC Meeting

- Secure Energy application denied, with ability to reapply in the future
- 12 month moratorium placed on all pending and future TENORM disposal-related Planning and Zoning applications and permits

November 3, 2020: BOCC Meeting - Moratorium extended until May 1, 2021

May 1, 2021: Moratorium expired

During the Moratorium



RESEARCHED



ASKED
QUESTIONS



RESEARCHED
SOME MORE

Events

post-moratorium

May 1, 2021: Moratorium expired

May 3, 2021: CUP Amendment applications received from Secure Energy and WISCO

June 16, 2021: WDEA hosts public information event with industry

June 17, 2021: WC Planning & Zoning Commission meeting

- Public Hearing for both WISCO and Secure Energy applications
- WISCO application tabled to allow for township input
- Recommended denial for Secure Energy

June 28, 2021: Special Meeting of the PZC is held to make a decision on WISCO

- Recommended denial

June 29, 2021: BOCC meeting to finalize decision on WISCO and Secure Energy

- WISCO: Approved
- Secure Energy: Approved

Next Steps

- Process with Williams County is conditionally completed for Secure Energy and WISCO
 - Will need to seek additional amendment if the state changes the approved limits
- Secure and WISCO must proceed with finalizing the ND DEQ's process
 - Amendment to Solid Waste permit
 - Radioactive Materials license
 - Both items will likely include additional public input processes



What is the role of a public official in relation to planning and zoning?



How did the market play into the Commission's decision?



What were some of the concerns the public had and how did you manage them?



**What were some
of your concerns
or questions as
Commissioners?**



What went into your decision- making process?



**What do you think
the future of
TENORM disposal
in Williams County
looks like?**
