

# CITY OF LITTLETON, COLORADO

# ORDINANCE NO. 01

Series, 2021

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 5, SECTION 25 APPLICABLE TO THE WASTEWATER UTILITY ORDINANCE AND PROHIBITING THE DISCHARGE OR DEPOSIT OF ANY NON-EXEMPT AMOUNTS OF TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIAL (TENORM) INTO THE WASTEWATER TREATMENT SYSTEM OF THE CITY**

**WHEREAS**, on November 18, 2020; effective January 14, 2021, the Board of Health, Colorado Department of Public Health and Environment, promulgated regulations under 6 CCR 1007-1 Part 20 titled “*Radiation Control – Registration and Licensing of Technologically Enhanced Naturally Occurring Radioactive Material (TENORM)*” (the “TENORM Regulations”); and

**WHEREAS**, the TENORM regulations establish “requirements and provisions for the generation, handling, processing, transfer, receipt, transportation, disposal, possession, distribution, and beneficial use of technologically enhanced naturally occurring radioactive materials (TENORM) and for the registration and issuance of licenses authorizing these activities.”; and

**WHEREAS**, among other things, the TENORM regulations specify exempt concentrations and amounts of TENORM that publicly owned treatment works (“POTWs”) may accept for treatment without registering or being licensed as TENORM-treating facilities; and

**WHEREAS**, among other things, the TENORM regulations establish a maximum number of years that POTWs may land apply biosolids containing TENORM in non-exempt amounts or concentrations at the same site or facility; and

**WHEREAS**, the cities of Littleton and Englewood (the “Cities”) jointly own and operate a POTW known as South Platte Renew (*f.k.a.*, the Littleton/Englewood Wastewater Treatment Plant and/or the Bi-City Plant) that treats wastewater from the Cities and special connector districts that have contracted with one or both Cities (the “Special Connector Districts”); and

**WHEREAS**, South Platte Renew land applies its wastewater treatment residual biosolids at farms owned by the Cities; and

**WHEREAS**, based on current testing, the Cities are not aware of any user in the Cities or the Special Connector Districts that currently discharges wastewater containing non-exempt amounts of TENORM to South Platte Renew; and

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48           **WHEREAS**, South Platte Renew is not intended to treat wastewater containing  
49 TENORM in non-exempt amounts, and the Cities do not wish to accept wastewater containing  
50 TENORM in non-exempt amounts from any user in the Cities or the Special Connector Districts;  
51 and

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53           **WHEREAS**, the Cities do not wish to land apply biosolids containing TENORM  
54 in non-exempt amounts at the farms jointly owned by the Cities; and

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56           **WHEREAS**, by this ordinance, and a similar ordinance adopted by the City  
57 Council of the City of Englewood, the Cities intend to prohibit the discharge or deposit of any  
58 TENORM in non-exempt amounts into South Platte Renew by any user in the Cities or the  
59 Special Connector Districts.

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61           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
62 **THE CITY OF LITTLETON, COLORADO, THAT:**

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64           In accordance with the provisions of the Littleton Municipal Code the following  
65 amendments to Title 7, Chapter 5, Wastewater Utility, are hereby approved:

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67           **Section 1.** **Amendment of Title 7, Chapter 5, Section 25(B).** Title 7, Chapter 5,  
68 Section 25(B), *Definitions, Abbreviations and Acronyms*, shall be amended to include the  
69 following abbreviation, which shall have the following designated meaning:

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TENORM   Technologically Enhanced Naturally Occurring Radioactive Material(s)

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72           **Section 2.** **Amendment of Title 7, Chapter 5, Section 25(B).** Title 7, Chapter 5,  
73 Section 2, *Definitions, Abbreviations and Acronyms*, shall be amended to include the following  
74 definitions:

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76           **BACKGROUND RADIATION:** Radiation from (a) extraterrestrial sources; (b)  
77 naturally occurring radioactive material (which has not been technologically enhanced),  
78 including radon (except as a decay product of source or special nuclear material); and (c) global  
79 fallout as it exists in the environment from the testing of nuclear explosive devices or from past  
80 nuclear accidents such as Chernobyl that are not under the control of the license or registrant.  
81 Background radiation does not include sources of radiation from radioactive materials regulated  
82 by the Nuclear Regulatory Commission (NRC).

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84           **TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING**  
85 **RADIOACTIVE MATERIAL(S) OR TENORM:** Naturally occurring radioactive material whose  
86 radionuclide concentrations are increased by or as a result of past or present human practices.  
87 TENORM does not include: (a) background radiation or the natural radioactivity of rocks or  
88 soils; (b) "byproduct material" or "source material", as defined by Colorado statute or rule; or (c)

enriched or depleted uranium by Colorado or federal statute or rule. Acceptable natural background values are established by the Colorado Department of Public Health and Environment.

NON-EXEMPT CONCENTRATIONS OF TENORM: Materials that contain or are contaminated at concentrations in dry weight in excess of the following, excluding natural background:

Isotope	Picocuries/gram (pCi/g)
Radium-226	5
Radium-228	5
Lead-210	5
Polonium-210	5

The radioactive progeny of the isotopes present in non-exempt concentrations are also non-exempt. Dry weight refers to the mass of a material excluding the mass of any water or moisture present within the material. For the purposes of liquid TENORM sample analysis, unfiltered total samples which include both suspended and dissolved solids must be analyzed for activity and shall represent the total dry weight mass of the sample.

**Section 3.** Amendment of Title 7, Chapter 5, Section 25(C)(1). Title 12, Chapter 2, Section 25(C)1, *General Wastewater Prohibitions and Limitations*, shall be amended to include:

Non-Exempt Concentrations of TENORM.

**Section 4.** Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 5.** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 19<sup>th</sup> day of January, 2021, passed on first reading by a vote of 7 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the

Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 2<sup>nd</sup> day of February 2021, in the Council Chamber<sup>1</sup>, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_ FOR and \_\_\_\_\_ AGAINST on the 2<sup>nd</sup> day of February, 2021 and ordered published by posting at Littleton Center<sup>1</sup>, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

\_\_\_\_\_  
Colleen L. Norton  
CITY CLERK

\_\_\_\_\_  
Jerry Valdes  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
Reid Betzing  
CITY ATTORNEY



<sup>1</sup> Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.