

## Legislation Details (With Text)

<b>File #:</b>	Ordinance 01-2021	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	1/11/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	2/2/2021	<b>Final action:</b>	2/2/2021
<b>Title:</b>	Ordinance 01-2021: An ordinance on second reading establishing changes to the existing ordinance for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) for South Platte Renew		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. Ordinance No. 01-2021, 2. 2. Presentation\_Ord. 01-2021

Date	Ver.	Action By	Action	Result
2/2/2021	2	City Council	approved	Pass
1/19/2021	1	City Council	approved on first reading	Pass

Agenda Date: 02/02/2021

**Subject:**

Ordinance 01-2021: An ordinance on second reading establishing changes to the existing ordinance for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) for South Platte Renew

Prepared by: Lucy Lucero, Executive Assistant, City Manager's Office

**PURPOSE:**

Does city council support establishing changes to the code regarding recent changes required by the Colorado Department of Public Health and Environment's Board of Health regulations to control the handling and disposal of TENORM containing materials?

**PRESENTATIONS:**

**Staff Presenter(s):** Keith Reester, Public Works Director  
**Additional Presenter(s):** Blair Corning, Deputy Director, Environmental Programs, South Platte Renew  
 Pieter Van Ry, Director of South Platte Renew  
 Matthew Montgomery, Attorney for South Platte Renew, Hill & Robbins, P.C.

**SUMMARY:**

The Colorado Department of Public Health and Environment's Board of Health recently promulgated regulations to control the handling and disposal of TENORM containing materials through registration and licensing. This regulation sets a level of TENORM under which the requirements of the rule are not applicable. Based on current testing, the cities are not aware of any current discharges of non-exempt TENORM to the

South Platte Renew (SPR) plant. These code changes are designed to prevent potential future discharges of non-exempt TENORM from sources such as water treatment plant residuals or industrial wastes from entering the plant.

**PRIOR ACTIONS OR DISCUSSIONS:**

Approving the TENORM-related municipal code changes will prohibit the future discharge or deposit of any non-exempt amounts of TENORM into the wastewater treatment system. These code changes were reviewed by the city attorneys of Littleton and Englewood and approved by the SPR Supervisory Committee on December 17, 2020.

This ordinance passed on first reading on January 19, 2021.

**ANALYSIS:**

Staff Analysis

SPR currently applies biosolids to farmland jointly owned by the cities of Littleton and Englewood. Testing has shown these biosolids to be within the exempt level for TENORM. If levels of TENORM were to rise above the non-exempt threshold, this would require SPR to obtain registration and licensing to handle this material. A significant consequence of this would be limitations on the number of years the plant could land apply biosolids to the currently owned farmland.

Council Goal, Objective, and/or Guiding Principle

Council Goal 3 - Good Governance; Objective 3 - Strategic Partnerships

Fiscal Impacts

Potential financial impacts that would arise from exceeding the non-exempt level of TENORM in plant biosolids include costs associated with loss of farmland viability due to restrictions on the number of application years allowed. Additional financial impacts would be incurred as a result of required TENORM testing and the creation and implementation of a radiation management program.

There are no current costs associated with the implementation of the proposed TENORM ordinance. Additionally, it is anticipated the proposed changes will have no impact on current businesses within the SPR service area.

Alternatives

By not instituting the proposed TENORM ordinance changes, both the cities of Littleton and Englewood and the SPR facility may be at risk of receiving non-exempt levels of TENORM, resulting in a potential loss of long-term viability of farmland for biosolids application.

**STAFF RECOMMENDATION:**

South Platte Renew (SPR), owned by the cities of Littleton and Englewood, recommends Littleton City Council approve, by ordinance, changes to the municipal code related to technologically enhanced naturally occurring radioactive material (TENORM). These changes prohibit the discharge or deposit of any non-exempt amounts of TENORM into the wastewater treatment system.

**PROPOSED MOTION:**

I move to approve Ordinance 01-2021 on second reading establishing changes to the existing ordinance for Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) for South Platte Renew.