

November 18, 2019

VIA ELECTRONIC SUBMISSION @ <https://www.ahs.dep.pa.gov/eComment/>

Kristina Hoffman
Technical Guidance Coordinator
Pennsylvania Department of Environmental Protection
Policy Office
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

**Re: Comments to Draft TGD Radioactivity at Solid Waste Processing and Disposal Facilities
DEP ID: 250-3100-001**

Dear Ms. Hoffman:

TD Connections is a firm representing clients in the energy industry. Over the years I have participated in what seems like thousands of hours attending PA Department of Environmental Protection (PA DEP) advisory meetings and staff meetings to familiarize myself with current and proposed regulations and changes. I have appreciated working with the PA DEP on various issues in making improvements to the regulatory requirements, permitting and other issues facing businesses. In the end, whether you call yourself an environmentalist or not, we all want a clean environment and seek best management practices to do so. However, private businesses like public (this includes the state, county and local governments) all must meet environmental standards and do it within reason and consider economic considerations.

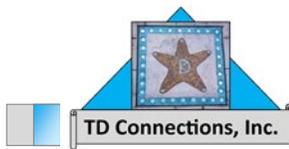
It is with that intent that I submit the following comments for DEP's consideration on the Draft TGD Radioactivity at Solid Waste Processing and Disposal Facilities DEP ID: 250-3100-001.

1. **Economic consideration:** It is my understanding that DEP must take into consideration small businesses when drafting regulations and/or technical guidance documents. In 2009 when one of my client's was applying for a general permit (now known as the WMGR123), as part of the general conditions of that permit they were required to follow the existing TGD on Radiation Protection Plans (TGD RAD). In order to create the document, the company had to hire a Radiation Health Physicist to prepare the plan. The cost of doing so was quite substantial for a small start up company. The changes to the TGD are very complicated especially with all the references to other state and federal statutes thereby increasing the time and cost to prepare these plans.

Although these plans are to protect the health and safety of workers and the general public, I would suggest that the plans be able to be written for the level of radiation activity rather than a one-size fits all approach. If you are operating a nuclear power plant, the plan should be very detailed. If you have medical waste or smoke detectors that have some radiation, then your plans should reflect these lower levels. The same for the oil and gas industry as most of the solid waste that is generated is lower levels of radiation. Thus, the cost would be reflected in the type of plan needed.

I would suggest that DEP provide examples of RAD plans for the different types of or levels of waste that contains TENORM. These draft plans should only need the operator of TENORM to fill in site-specific information. This would reduce costs to small businesses and keep the plans consistent.

2. **Type of facility:** DEP has expanded upon the definition of "facility" to specifically single out "oil and gas waste disposal or processing is permitted or takes place." Rather than cherry picking the types of facilities, DEP should use the predefined definition used in the PA Solid Waste Management Act. It states - "Facility. All land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place, or where hazardous waste is treated, stored or disposed."



It is simple and to the point and furthermore does not call out or single out any one industry rather applies to any industry where hazardous waste is treated, stored or disposed.

- a. The type of facility should also be taken into consideration when determining the type of RAD plan needed. For instance, a fixed facility whose process or treatment regularly generates TENORM should be required to have a more comprehensive RAD plan. However, a facility that is temporary such as using filtering at a well site or for temporary storage tanks, should be able to be less complicated while still accomplishing the goal of protecting the health and safety of its workers. For example, a fixed facility where there are full-time workers it makes sense to require their exposure rate. However, for a temporary storage facility where workers may come and inspect the tanks once per day wearing dosimetry monitors is not necessary.
 - b. The reporting could also be tied to the type of facility as it is more important to report on large scale operations that generate high levels of RAD material constantly than a facility that generates low level material sporadically. Some of these low lever facilities generate material that has a lower RAD level than found in kitchen countertops made of granite.
3. **RES RAD Model:** With all due respect, sometimes the government needs to take a fresh look at its regulations and why they came into existence. For example, the RES RAD Model takes into the consideration that they want to make sure the preverbal farmer would be okay to build a house on top of an old landfill based upon the assumption that there are no more government controls and NO ONE would know they are building on top of a landfill. Perhaps this Model should be reevaluated? Instead, government should focus on the probable instead of the improbable. I think Pennsylvania DEP is moving in the right direction with respect to some of their adjustments it has made over the past number of years in looking at the dose to humans; however, we need this and future regulations to be based on facts and science and not public fear. If public fear is a factor, then the state should look to educating the general public rather than trying to change regulations to calm unwarranted public fear.

In addition to the above comments, I further support the public comments made by the PA Independent Oil and Gas Association (PIOGA) (see attached document).

Thank you for your time and consideration. I look forward to working with the Department as it finalizes this TGD.

Sincerely,

Teresa Irvin McCurdy
President