

**SB 246 A STAFF MEASURE SUMMARY**  
**Senate Committee On Energy and Environment**

**Carrier:** Sen. Dembrow

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**Action Date:** 02/18/21  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 5-0-0-0  
**Yeas:** 5 - Beyer, Dembrow, Findley, Robinson, Taylor  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Beth Reiley, LPRO Analyst  
**Meeting Dates:** 2/4, 2/18

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**WHAT THE MEASURE DOES:**

Clarifies that definition of radioactive waste for purposes of regulation by Oregon Department of Energy (ODOE) does not include materials identified by the Energy Facility Siting Council (EFSC) by rule as not presenting significant danger to public health and safety. Prohibits radioactive waste from being disposed, person from arranging disposal, or arranging transport for disposal in Oregon. Requires EFSC to adopt standards and rules necessary to prevent disposal of radioactive waste in Oregon, which does not include the temporary storage of certain radioactive waste. Provides ODOE Director and EFSC additional authority for administration and enforcement of laws related to disposal of radioactive waste that include but are not limited to obtaining information, subpoenaing witnesses, administering oaths, and causing depositions in civil actions in circuit courts. Authorizes ODOE Director or EFSC, in coordination with the Department of Environmental Quality, to require person to take necessary action to correct a violation. Requires person found to be in violation to reimburse ODOE for all necessary, just, and reasonable costs incurred in the investigation.

**ISSUES DISCUSSED:**

- Illegal disposal of radioactive waste in Arlington, Oregon
- Inconsistencies between how states regulate Technologically Enhanced Naturally Occurring Radioactive Materials
- Strengthened authority to investigate

**EFFECT OF AMENDMENT:**

Allows for the reimbursement of administrative costs.

**BACKGROUND:**

In recent years, oil and gas producers have increasingly used methods of extraction that combine horizontal drilling with enhanced stimulation, known as "fracking." The geologic formations that contain oil and gas deposits contain naturally occurring radioactive material (NORM). When the fracking process concentrates the NORM and exposes it to the surface environment, these wastes are classified as Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM). On September 11, 2019, the Oregon Department of Energy (ODOE) was informed by a North Dakota citizen that potentially radioactive waste from a fracking operation was possibly being disposed of in Arlington, Oregon. ODOE investigated and concluded that two and a half million pounds of TENORM had been disposed of in the Chemical Waste Management facility in Arlington over a three-year period.

Senate Bill 246 A modifies the definition of radioactive waste and requires the Energy Facility Siting Council (EFSC) to adopt standards and rules necessary to prevent the disposal of radioactive waste in Oregon. In addition, Senate Bill 246 A provides the ODOE Director and EFSC additional authority for the administration and enforcement of laws related to the disposal of radioactive waste.