

September 12, 2017
Central Midwest Interstate Low Level Radioactive
Waste Compact Commission (CMCC)
ANNUAL MEETING
12:00 N CDT/ 1:00 PM EDT
Springfield, IL & Frankfort, KY

1. Call to Order

Chairman Klinger called the meeting to order at 12:03 pm CDT. In attendance in Springfield, IL:

Joseph Klinger – CMCC Chairman
Gary McCandless – CMCC Commissioner for Illinois
Lori Beagles- Executive Assistant
Adnan Khayyat – Bureau Chief, IEMA, Radiation Environmental Safety
Gary Forsee – Section Head, IEMA, Radiation Environmental Safety

In attendance via video-conferencing in Frankfort, KY:

Dewey Crawford – CMCC Commissioner for Kentucky
Curt Pendergrass – Commonwealth of Kentucky - Radiation Health
Matt McKinley – Commonwealth of Kentucky - Radiation Health
Eric Perry - Commonwealth of Kentucky - Radiation Health

Participants via telephone:

Kelly Grahn – Section Head, IEMA, Radiation Environmental Safety

Chairman Klinger introduced Commissioners and other participants in the room. Commissioner Crawford introduced Kentucky participants.

2. Adoption of Agenda

Chairman Klinger introduced the Agenda and called for adoption. Commissioner McCandless motioned to add an item under New Business (12.b) subj: New Illinois Fracking Permit. Commissioner McCandless motioned, Commissioner Crawford – 2nd Motion passed. Item added to agenda.

3. Election of Officers

Commissioner McCandless motioned for Officers to remain the same for the next fiscal year. Commissioner Crawford – 2nd. Motion passed.

4. Adoption of previous meeting minutes (April 11, 2017)

Commissioner Crawford – motion to accept the prior meeting minutes as presented.

Commissioner McCandless– 2nd

Motion passed.

5. Executive Session

No session requested

6. First Public Comments Period

No comments from the public during this period.

7. Reports

1. Chairman and Host State Report:

Chairman Klinger attended the LLW Spring Forum Meeting in April 2017, in Denver, CO. Many interesting topics were covered during the 2-day meeting. In addition to the Forum Meeting, Chairman Klinger attended the Disused Sources Working Group (DSWG) Meeting.

Chairman Klinger reported that Waste Control Specialists (WCS) is not doing well. Operations are struggling. Volumes are low and the facility is not being used to its capacity. There was talk about Energy Solutions purchasing WCS, but that was determined to be a monopoly. WCS is the CMCC's only choice for B & C waste. This ongoing struggle could affect our Compact.

The DSWG is making valuable documents available to licensees. One recent document available: *Considering the Use of Radioactive Sealed Sources & Devices*. This document gives realistic costs of using and storing sealed sources or devices. The document can be found here:

<http://www.disusedsources.org/wp-content/uploads/2017/01/DSWG-Brochure-to-Prospective-Licensees-FINAL-12.16.16.pdf>

There was also discussion on Source Exchange.

The next Forum meeting is October 16-17, 2017 in Alexandria, VA. Chairman Klinger is attending and will provide an update on the WCS facility after the meeting.

Chairman Klinger will be presenting on TENORM with a panel. Gary Forsee was initially slated to attend, but in a new role at IEMA, will be unable to. Chairman Klinger will work with Gary Forsee and Kentucky to provide the latest information on TENORM activities from Illinois and Kentucky.

2. Kentucky Report

Commissioner Crawford, Matthew McKinley and Curt Pendergrass, both from the KY Department for Public Health, Division of Public Health Protection and Safety, Radiation Health Branch attended the CMCC meeting via Video-Conferencing from Frankfort, KY.

Commissioner Crawford asked Mr. McKinley and Mr. Pendergrass for an update on the TENORM violation and KY TERNORM regulations being considered.

For background on the TENORM violations, please see the meeting minutes from April 11, 2017 here: http://cmcompact.org/meetings/April_2017_Minutes.pdf

Matt provided an update to TENORM violation. KY is collecting financial settlements from 3 violators, one company has filed bankruptcy and KY is listed as a creditor owed. KY has determined that the waste illegally brought into KY (TENORM) will stay in place with long term monitoring.

Recently the CMCC was asked to comment on proposed KY TENORM regulation 902 KAR 100.180. This regulation is to allow down-hole disposal of TENORM waste without any restriction on activity concentration. Matt thanked the CMCC for their comments. The CMCC Regional Management Plan (RMP) calls for a limit of 2000 pCi/g for any TENORM waste disposed of within the compact. It appears that 902 KAR 100:180 is in conflict with the Compact Agreement.

Live video disruption - the meeting was on hold for approx. 5 min.

KY has a drop dead date of October 2, 2017 to prepare/amend this regulation. There was discussion on what could be done to bring the KY legislation consistent with the RMP (put limits on down hole disposal) or if an addendum could be added to the RMP re: TENORM. There are no provisions to adopt an addendum to the Commission's Regional Management Plan. However, the state of Kentucky could petition the Commission to consider alternative disposal options for down-hole disposal of certain types of TENORM wastes provided they can demonstrate the disposal is protective of public health and safety and the environment; and, isolated from future inadvertent intrusion by the public.

Gary Forsee posed a question: With so many TENORM needs for IL and KY, perhaps this is an opportunity for a case study? Capitalize on a bad situation. This is being considered.

3. Executive Assistant Report

Lori Beagles briefed the Commissioners on the end of fiscal year 2017 financials. The CMCC was well within budget with a net profit of \$7,495. Interest rates and earnings remain stable. Traffic to the website, email, and telephone remain slim. The FY17 fiscal audit showed a clean audit with no findings. The CMCC had 3 FOIA requests over the fiscal period, all were answered

with no issues. Ms. Beagles prepared a cost estimate to convert all historical records (18 boxes) to digital format. The estimated on the high end is \$5,000. The cost estimate is included in the FY18 draft budget. Even with this additional expense, the CMCC should show a profit for FY18. The CMCC has been an excellent steward of funds over the past 5 years and this expense will be beneficial to the CMCC. Ms. Beagles will discuss with the vendor the most advantageous digital format to convert these records. This will enable IL and KY to have access to digital historical data. Digital access will greatly facilitate responses to future FOIA requests.

8. Acceptance of Auditors Report

Commissioner McCandless motioned to accept report, Commissioner Crawford 2nd. Motion passed.

9. Adoption of Fiscal Year 2018 Budget

The budget was discussed. Commissioner Crawford motioned to accept the budget. Commissioner McCandless 2nd. Motion passed

10. Review of the FY 17 CMCC Annual Report

Information is needed from the State of Kentucky and Illinois Emergency Management Agency. Commissioner Crawford will work with KY on data. KY will also provide an update on the TENORM violation and new legislation. Illinois will also provide data. The Annual Report is due to IL and KY legislators 30 days after the CMCC Annual Meeting. The report will be available on the CMCC website at publication.

11. Investment Review

Investments remain stable. No changes needed

12. Other Business

a. Unfinished Business

None

b. New Business

A new item was added during the Adoption of Agenda. New Illinois Fracking Permit.

Commissioner McCandless directed his question to Gary Forsee: Is the permittee aware of the radioactive component of fracking?

The Illinois Department of Natural Resources (DNR) handles the Permit process for Fracking activities. One permit has been issued. See article here:

<http://chicagotonight.wttw.com/2017/09/01/fracking-permit-first-be-approved-illinois>

IEMA, the State Radiation Control Program, has been shut-out of any discussion regarding radioactive waste and the handling of that waste. The bulk of radioactive waste would be waste water.

The Woolsey Operating Company has plans to conduct fracking operations in White County, Illinois. IDNR did find shortcomings in 10 categories, including Woolsey's Safety Plan. IL and/or the Commission should consider requiring the Company, when operational, to provide a physical and chemical profile of the waste streams being generated to determine what radioactive components exist and if their possession requires licensing, and reporting as LLRW wastes.

This item will be watched closely.

13. Second Public Comment Period

No comments from the public during this period.

14. Next Scheduled Meeting of the CMCC

Calendars were provided and a tentative date of April 10, 2018. Illinois will travel to Kentucky for the meeting.

15. Adjournment

Meeting concluded at 1:40 pm CDT. Motion to adjourn: Commissioner McCandless, 2nd – Commissioner Crawford. Motion passed.