



ECOLOGY SERVICES, INC.

10427 Hickory Path Way
Knoxville, TN 37922
Phone (865) 766-5873
Fax (865) 766-5908

August 15, 2013

VIA e-mail and USPS

TLLRWDC
Ms. Leigh Ing
333 Guadalupe Street #3-240
Austin, TX 78701

Subject: Application for importation of Non-Party Low-Level Radioactive Waste for Class A, B, and C Sealed Sources.

Dear Ms. Ing:

Enclosed, is an application by Ecology Services, Inc. (ESI) to import Class, A, B, and C domestic sealed sources for disposal at the Waste Control Specialists, LLC (WCS) facility in Andrews, Texas. The application does not include waste from the Rocky Mountain Compact, Northwest Compact, and the Atlantic Compact. ESI will provide a signed generator authorization for each generator and approved export permits from any generator in the Southwest and Central Compacts prior to picking up the generator's waste for shipment to the WCS facility.

ESI requests that our petition be considered and approved by the Texas Low-Level Radioactive Compact Commission at its next meeting on October 2, 2013.

Enclosed with this letter you will find the following documents:

- Annex A - Texas Low-Level Radioactive Waste Disposal Compact Commission Application for Importation of nonparty Low-Level Radioactive Waste
- Annex B – Term Sheet

The ESI petition is being sent via e-mail and through certified mail to the following three organizations:

Texas Low Level Radioactive Waste Disposal Compact Commission
333 Guadalupe Street #3-240
Austin, TX 78701
E-mail – administration@tllrwdcc.org

Texas Commission on Environmental Quality
Tonya Baer, J.D. Assistant Director and Special Council
Radioactive Materials Division
12100 Park 35 Circle Building F
Office # 1306A
Austin, TX 78753
E-mail – tonya.Baer@tceq.texas.gov



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Compact Facility Operator – Waste Control Specialists, LLC
WCS Import Notification Mailstop
Attn: Vickie Watson
Three Lincoln Center
5430 LBJ Freeway, Suite 1700
Dallas, TX 75240
E-mail – [DL WCS Importation@wcstexas.com](mailto:DL_WCS_Importation@wcstexas.com)

Please do not hesitate to contact me if you have any questions or if you require additional information.

Sincerely,

Andrew Armbrust
Vice President
Ecology Services, Inc.

Attachments:

Annex A – Application for Importation of Non-Party Low-Level Radioactive Waste
Annex B – Term Sheet

ANNEX A

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION

APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL RADIOACTIVE WASTE

(NOTE: PURSUANT TO TEXAS HEALTH AND SAFETY CODE, §401.207(j), THIS APPLICATION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE OR THE GENERATOR OF THE WASTE UNLESS THE GENERATOR IS A SMALL GENERATOR AS DEFINED IN 31 TAC §675.23(o), IN WHICH CASE THE APPLICATION MAY BE SUBMITTED BY AN APPROPRIATELY LICENSED BROKER)

1. Applicant Information:

Entity Name	<u>Ecology Services, Inc.</u>
Contact Person	<u>Andrew Armbrust</u>
Phone	<u>865-766-5873 Extension 1</u>
Email	<u>aarmbrust@ecologyservices.com</u>
Website address	<u>www.ecologyservices.com</u>
Business Address	<u>9135 Guilford Road Suite 200</u>
	<u>Columbia, MD 21046</u>
Mailing Address	<u>10427 Hickory Path Way</u>
	<u>Knoxville, TN 37922</u>

- Is Applicant: Generator
- X A Broker who is a: Licensed Waste Processor
- X Licensed Waste Collector
- Department of Defense

Notes:

(1) An appropriately licensed Broker may act on behalf of a Small Generator only if each such generator is identified and written authorization from each such generator is provided as an attachment hereto.

(2) While Department of Defense Regulation 4715.6-R designates the Department of the Army as Executive Agent for disposal of low-level radioactive waste, the Commission will require that any agreement that it enters into in this regard be signed by both the Department of the Army as Executive Agent and the branch of the military that has generated the waste.

Generator Type: Industrial
 Academic/Research
 Medical
 Utility
 Government

Is Applicant the entity responsible for the waste shipment? yes no

If no, please include the name and contact information for the entity responsible for the waste shipment.

Is Waste from a "Small Generator"? yes no

2. Term/Duration from Date of Approval: August 31, 2014

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 30 ft³

Waste Radioactivity in Curies 50 Curies

Place of origination (State) of waste:

CA, IL, IN, OH, NY, AZ, OK, AR, LA, MS, AL, GA, FL, NC, VA, TN, KY,
WV, MD, PA, RI, WI, MI, IA, NE, SD, ND, KS, MO, NH, DE

Waste description: Domestic Sealed Sources for disposal

Waste classification (Class A, Class B, or Class C): Class A, B, and C

Waste form: stable unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s):

C-14 100.0 _____ millicuries (mCi)

Tc-99 100.0 _____ microcuries (uCi)

I-129 100,000.0 _____ nanocuries (nCi)

Depleted Uranium N/A _____ microcuries (uCi)

Concentration N/A _____ (provide units)

Source of generation

Hospitals and medical institutions, pharmaceutical research facilities,

Industrial gauges and devices, universities

4. Is the proposed waste a sealed source?

No. Yes. Please explain: Sealed sources used in medical research

and patient treatment, research, instrument calibration, and industrial applications

5. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) with the Texas Low-Level Radioactive Waste Disposal Compact Commission?

No Yes. Please explain: _____

6. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) pending with any other regulatory agency with jurisdiction to regulate radioactive material including, without limitation, the Texas Commission on Environmental Quality (TCEQ)?

No Yes. Please explain: _____

7. **Certifications.** Applicant hereby certifies the following.

a. The information provided herein is complete, accurate and correct.

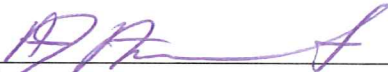
b. The low-level radioactive waste for which this Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.

- c. The person submitting this Application is authorized by Applicant to commit Applicant to each and every obligation and condition set forth herein and in the Agreement for Importation of Nonparty Compact Waste. A copy of a written document containing such authorization must be attached to this Application.
- d. Applicant has delivered to the Compact Facility operator and TCEQ a copy of this Application and the Agreement for Importation of Nonparty Compact Waste (along with any supplements or amendment thereto).

8. **Authorized Signatory:**

Andrew J. Armbrust

Print or type name



Signature

Vice President

Title

August 15, 2013

Date

ATTACHMENTS:

(Attachments should include all applicable licenses, authorizations, and other materials needed or useful to fully explain the application.)

Annex B – Term Sheet

Generator Certification Approval Letter (ID # MDECOSESI)

Letter of Authority from Texas DSHS (Registration # W008)

Individual Letters of Authorization to Ecology Services will be provided upon confirmation of generator participation prior to shipment to WCS



Generator Certification Approval Letter

June 07, 2013

Mr. Paul Marshal
Vice President
Ecology Services, Inc.
9135 Guilford Road, Suite 200
Columbia, MD 21046

RE: Ecology Services, Inc. Generator Certification Identification Number – **MDECOSESI**

Generator Certification Valid **June 07, 2013** through **June 30, 2014**

Dear Mr. Marshal:

On May 30, 2013, Waste Control Specialists LLC completed the required Generator Certification Audit, WCS-TX-2013-09, and found Ecology Services, Inc. to have a compliant waste management program and is eligible to ship waste materials to the Waste Control Specialists LLC Compact Waste Disposal Facility (CWF).

Be reminded, any change to Ecology Services, Inc. waste management program which reduces administrative control requires notification to Waste Control Specialists LLC. This Certification is valid until the last day of the month, 12 months from the date of issue.

The generator certification identification number is required on all documentation or correspondence with Waste Control Specialists LLC regarding waste disposal.

Waste Control Specialists LLC is pleased to have the opportunity to provide you with the quality waste management services that you need. If you have any questions or need further assistance, please feel free to contact me at (432) 525-2783 or at (940) 735-2168.

Sincerely,
WASTE CONTROL SPECIALISTS LLC

Thomas Huck

Thomas Huck
QA - Generator Certification Manager

Corporate
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX 75240
Ph. 972.715.9800
Fx. 972.448.1419

Facility
P.O. Box 1129
Andrews, TX 79714
Ph. 888.789.2783
Fx. 432.525.8902



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

March 7, 2012

ECOLOGY SERVICES INC
ATTN ANDY ARMBRUST
9135 GUILFORD RD STE 200
COLUMBIA MD 21046

Expiration Date: March 7, 2022
Registration No.: W0008
Authorized Use: Shipper

Mr. Armbrust:

Ecology Services, Inc., is hereby registered to Ship Low Level Radioactive Waste (LLRW) to the Texas LLRW Disposal Facility pursuant to Title 25 Texas Administrative Code (TAC) §289.257. This registration will expire on the date listed above.

In addition to the requirements and restrictions of Title 25 TAC §289.257, the following conditions are imposed on your activities as a general licensee while shipping or transporting LLRW in the state of Texas:

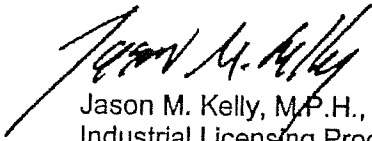
1. The registrant shall have the following in their possession at all times when shipping LLRW in Texas to the Texas LLRW disposal facility, and make them available for Texas Department of State Health Services (DSHS) review upon request:
 - a) a copy of this registration letter,
 - b) a copy of the registrant's Emergency Plan, and
 - c) a uniform LLRW manifest.
2. The registrant shall submit a copy of the LLRW manifest including shipping, container and waste information to DSHS at least five (5) days prior to the waste shipping date. This can be faxed to: Manager, Radioactive Material Licensing Branch at (512) 834-6690 or a scanned copy emailed to the Program Coordinator, Industrial Licensing Program: ray.fleming@dshs.state.tx.us.
3. If at any time during the registration period the Emergency Plan, Packaging Information (COC) and QA/QC Procedures are amended, the registrant shall provide DSHS with copies of amended documentation at least five (5) days prior to the next LLRW shipment to the Texas LLRW Disposal Facility.

Ecology Services, Inc.
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4. After this registration has expired Ecology Services, Inc., shall apply for renewal of their registration per the requirements outlined in DSHS Regulatory Guide 2.19. The registrant shall provide DSHS with the required documentation at least fourteen (14) days prior to their next LLRW shipment to the Texas LLRW Disposal Facility.

If I may be of assistance, please contact me at (512) 834-6688 extension 2205; or by electronic mail at jason.kelly@dshs.state.tx.us.

Sincerely,



Jason M. Kelly, M.P.H., Health Physicist I
Industrial Licensing Program
Radiation Safety Licensing Branch

Enclosures: Emergency Telephone Notice

bcc: file, TCEQ, WCS

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

COMPACT COMMISSION

**Agreement for Importation of Nonparty Low-Level Radioactive Waste
into Texas Low-Level Radioactive Waste Disposal Compact for Disposal**

This Agreement for Importation of Nonparty Low-Level Radioactive Waste (“Agreement”) is dated October 2, 2013, by and between Ecology Services, Inc. (“Generator”) and the Texas Low-Level Radioactive Waste Disposal Compact Commission (“Commission”) (collectively the “Parties”).

I. RECITALS

WHEREAS Texas is the host state for the Texas Low-Level Radioactive Waste Disposal Compact (“Compact”), which requires the state to develop a facility for the disposal of low-level radioactive waste generated within the Compact’s party states; and

WHEREAS in compliance with the Compact and with state law, the Texas Commission on Environmental Quality (“TCEQ”) issued a license to Waste Control Specialists LLC (“Compact Facility Operator”) to construct and operate a Compact Waste Disposal Facility (“Compact Facility”) in Andrews County, Texas for the disposal of low-level radioactive waste for the Compact; and

WHEREAS the Texas Legislature has authorized the Compact Facility Operator to accept for disposal at the Compact Facility low-level radioactive waste from waste generators located outside of the Compact party states in accordance with the Compact Facility license and to the extent the acceptance of such imported waste does not diminish the disposal volume or curie capacity available to Compact party states; and

WHEREAS Chapter 403, Section 3.05(6) of the Texas Health and Safety Code authorizes the Commission to enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the Compact for management or disposal, provided that the agreement receives a majority vote of the Commission; and

WHEREAS the Texas Legislature has established additional terms and conditions in Chapter 401 of the Texas Health & Safety Code that if satisfied ensure that the importation of low-level radioactive waste will be in the State’s public interest; and

WHEREAS Generator has filed an Application for Importation of Nonparty Low-Level Radioactive Waste (“Application”) with the Commission; and

WHEREAS the Commission has processed and considered Generator's Application in accordance with applicable requirements, and a majority of the members of the Commission approved the Application and voted to enter into this Agreement; and

WHEREAS in voting to approve Generator's Application and to enter into this Agreement, the Commission considered all relevant statutory and regulatory considerations, including, but not limited to: (a) the volume, type, physical form, and total activity (radionuclide-specific activity, if needed) of the waste proposed for importation as identified in the Application; (b) the policy and purpose of the Compact; (c) the existence of unresolved violations pending against Generator with any other regulatory agency with jurisdiction to regulate radioactive material, and any comments by the regulatory agency with which Generator has unresolved violations; (d) any unresolved violation, complaint, unpaid fee, or past due report that Generator has with the Commission; (e) whether, by acceptance of this waste for disposal, the Compact Facility will remain below the applicable annual and total volume and curie capacity disposal limits set forth in Sections 401.207(e), (e-1) (if applicable), and (f)(1) of the Texas Health and Safety Code; and (f) other factors that the Commission has deemed relevant to carry out the policy and purpose of the Compact and Chapters 401 and 403 of the Texas Health and Safety Code.

II. Representations and Acknowledgements

WHEREAS The Generator represents and acknowledges the following:

- A. The generator has disclosed in its Application for Importation the existence of unresolved violations pending against the applicant with any other regulatory agency with jurisdiction to regulate radioactive material.
- B. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) that the applicant has with the Commission.
- C. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports that the applicant has with any other regulatory body, including, without limitation, the TCEQ.
- D. The generator acknowledges that a misrepresentation with respect to an item listed in A, B, or C may result in the cancellation of the agreement.
- E. The generator acknowledges the obligation to report immediately to the Commission any allegation of the violation of any law, rule or regulation related to the storage, shipment or treatment of any form of radioactive material.
- F. The generator acknowledges the right of the Commission to audit or cause to be audited compliance with the agreement.
- G. The generator affirms that no waste of international origin shall ever be included in the materials to be imported to the Compact facility.

III. AGREEMENT

NOW, THEREFORE, in the exercise of its authority under Chapter 403 of the Texas Health and Safety Code, the Commission hereby authorizes the importation of Generator's nonparty low-level radioactive waste, in the form and amounts described below ("Generator's Nonparty Compact Waste"), subject to the following terms and conditions.

- A. This Agreement shall remain in effect from October 2, 2013 through August 31, 2014 unless amended by agreement of the Parties, or revoked by the Commission prior to importation.
- B. Generator agrees to comply with Chapter 403, Section 8.03 of the Texas Health and Safety Code and shall be liable for its own acts, omissions, conduct, and relationships in accordance with applicable law.
- C. The Commission may, on its own motion or in response to a petition by the Generator for amendment of this Agreement for which prior written notice has been given to Generator and the Compact Facility Operator, revoke this Agreement, or add or delete requirements or limitations to this Agreement, provided that the Commission provides a reasonable time to allow the Generator and the Compact Facility Operator to make the changes necessary to comply with any additional requirements imposed by the Commission.
- D. This Agreement is not assignable or transferable to any other person.
- E. This Agreement is subject to receipt by the Compact Facility Operator of written certification from the TCEQ, prior to the acceptance of Generator's Nonparty Compact Waste, that the waste to be imported is authorized for disposal under the Compact Facility licensee.
- F. The applicant agrees to comply to the extent applicable with the rules related to commingling adopted by TCEQ in coordination with the Commission pursuant to Section 401.207(k), Texas Health and Safety Code
- G. The waste is described below:

Waste Volume (Cubic Feet)	<u>30</u>
Waste Radioactivity in Curies	<u>50</u>
Place of origination (State) of waste:	<u>CA, IL, IN, OH, NY, AZ, OK, AR, LA, GA, FL, NC, VA, TN, KY, WV, MD, PA, RI, WI, MI, IA, NE, SD, ND, KS, MO, NH, DE</u>
Waste description:	<u>Domestic Sealed Sources</u>

Waste classification (Class A, Class B, or Class C):

Class, A, B, and C

Waste form

Stable


Unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s):

<input checked="" type="checkbox"/>	C-14	100.0	millicuries (mCi)
<input checked="" type="checkbox"/>	Tc-99	100.0	microcuries (uCi)
<input checked="" type="checkbox"/>	1-129	100,000.0	nanocuries (nCi)
<input type="checkbox"/>	Depleted Uranium	N/A	microcuries (uCi)
<input type="checkbox"/>	Concentration	N/A	(provide units)
<input checked="" type="checkbox"/>	Source of generation	Hospitals & medical institutions, Pharmaceutical research, Universities, Industrial Gauges and devices, instrument calibration and check sources	

ECOLOGY SERVICES, INC

BY:



Andrew J. Armbrust

Vice President

Title

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

BY:

Name

Title