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Colorado Department  
of Public Health  
and Environment

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**Hazardous Materials and Waste Management Division,  
Radiation Control**

**6 CCR 1007-1, Part 11**

**STATE BOARD OF HEALTH  
SPECIAL LAND OWNERSHIP REQUIREMENTS**

**(Amended January 21, 1998, effective March 30, 1998)**

## PART 11

### SPECIAL LAND OWNERSHIP REQUIREMENTS

[These regulations are effective March 30, 1998, unless otherwise noted.]

#### GENERAL PROVISIONS

##### 11.1 Purpose.

The purpose of these regulations is to protect the public health, safety, and environment by establishing requirements for private ownership of sites used for the concentration, storage or disposal of radioactive materials in lieu of government ownership of such sites.

##### 11.2 Scope.

These regulations apply to any application under RH 1.5.1 for an exemption from the land ownership requirements of § 25-11-103 (7), C. R. S., as amended, and are in addition to any appropriate requirements of Parts 3, 14 or 18 of these regulations.

#### CONTROL REQUIREMENTS

##### 11.3 Demonstration of Control.

Before any application under RH 1.5.1 for an exemption from the land ownership requirements of §25-11-103 (7) may be granted, the applicant must demonstrate a degree of control of the site equivalent to that which would be achieved by government ownership of the site. At a minimum, the applicant shall be required to provide the following:

##### 11.3.1 Financial Assurance.

Pursuant to Part 3 of these regulations, the licensee shall provide a long term care warranty.

##### 11.3.2 Trust Agreement.

The licensee shall enter into a trust agreement with the department giving the department exclusive control over the licensee's long term care funds to enable the department to conduct long term care and maintenance of the site in the event the owner of the site is unable or unwilling to do so.

##### 11.3.3 Institutional Control Program.

The licensee shall establish and, after completion of decommissioning and decontamination activities, conduct a Department approved institutional control program. The institutional control program shall include, but not be limited to: conducting an environmental monitoring program at the disposal site, periodic site surveillance, custodial care, and administration of funds to cover the costs for these activities.

11.3.4 Restrictive Covenants.

The applicant shall record with the county clerk and recorder in the county where the site is located Department-approved restrictive covenants providing for the following:

- 11.3.4.1 Except as necessary to maintain or repair the site, no construction or excavation of any kind shall be allowed;
- 11.3.4.2 No use shall be made of the property which may impair the site's ability to contain or control the waste.
- 11.3.4.3 Any change in the use of the property shall require the prior written approval of the Department.
- 11.3.4.4 Ownership of the property, and any interest in the property, shall not be conveyed without the prior written approval of the Department, and any conveyance shall have adequate and complete provision for the continued maintenance of the property and financial assurance warranties.
- 11.3.4.5 The owners shall erect and continuously maintain on the property at locations approved by the Department markers and monuments, approved by the Department, warning of the presence of radioactive materials.
- 11.3.4.6 The covenants shall run with the property and be binding upon the heirs, successors or assigns of the licensee.
- 11.3.4.7 The covenants shall inure to the benefit of, and shall be enforceable in a court of law by, the Department and the United States Nuclear Regulatory Commission and any successor agencies, as well by any other federal, state, or local government agency affected by any violations of the covenants.

11.3.5 Deed Annotations.

The licensee shall record with the county clerk and recorder an annotation to its deed to the property which shall include a description, by metes and bounds, of the locations where radioactive materials were disposed of, and a description of the types, form, and volumes of radioactive materials disposed of, and approximate time periods during which disposal of the wastes took place.

11.3.6 Easements.

The licensee shall grant to the Department and the United States Nuclear Regulatory Commission and their successor agencies an easement giving them and their designees the unlimited right to access the property for purposes of inspecting the property; determining compliance with restrictive covenants and applicable laws, regulations, permits, and licenses; taking samples and measurements; and for any other purpose reasonably within the power and authority of the Department and the United States Nuclear Regulatory Commission.

11.3.7 As-built Drawings.

One year after issuance of the license to the applicant, and annually thereafter, the licensee shall provide the Department with "as-built" drawings of the disposal facility until license termination.

11.3.8 Transfer of Records.

Within six months after the completion of decommissioning and decontamination activities, the licensee shall at no cost transfer copies of all records of the location and quantity of wastes contained in the disposal site to: the governing body of the nearest municipality, the governing body of the county in which the facility is located, the local planning agency having jurisdiction over the area in which the facility is located, the Department, and any other state, local, and federal agency designated by the department.