



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT  
Governor

October 3, 2019

Paul Michalak, Chief  
State Agreement and Liaison Programs  
Division of Materials Safety, Security, State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Rockville, MD 20555-0001

Dear Mr. Michalak:

DEQ staff have been discussing the Broken Arrow Landfill (BALF) site in Broken Arrow, Oklahoma with NRC staff. This is a small area (less than two acres) with shallow surface contamination containing Thorium and Uranium in concentrations in excess of .05%. There is no known generator or licensee. The site is in a residential area which is developing rapidly. We believe the material is under federal jurisdiction under the terms of the Oklahoma agreement, and ultimately are interested in possibly doing a 274(i) agreement that would let the site be cleaned up under the Oklahoma Brownfields program which is intended to allow cleanup of polluted sites for reuse under state oversight. The Oklahoma Brownfields program is already working with the property owner on chemical cleanup of portions of the site that do not have radiation issues. Note that despite the name of the site, the source material has been dumped on the surface over a small area of the site, and is not actually in a landfill or disposal area. I have attached information from a site assessment done by a contractor for the property owner.

I have been advised that the first step in this process should be a formal determination of jurisdiction by the NRC. I request that NRC evaluate this information and make such a determination. I hope we can move on to a 274(i) agreement as soon as possible if this can be done. It is possible a developer will clean up the radioactive material without public expense if we can move through this quickly. I appreciate your attention to this matter. You or your staff should feel free to contact me at 405-702-5155 or [mike.broderick@deq.ok.gov](mailto:mike.broderick@deq.ok.gov) with any questions.

Sincerely,

A handwritten signature in black ink that reads "Mike Broderick". The signature is written in a cursive style.

Mike Broderick  
Environmental Program Manager  
Radiation Management Section  
Land Protection Division

MB/mb

Enclosures: Consultant reports

