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## **Stop Texas from Becoming the Nation's Radioactive Waste Dump**

**Austin, TX** Today the SEED Coalition, Public Citizen, Lone Star Sierra Club, and Nuclear Information and Resource Service (NIRS) called for action to prevent West Texas from becoming the nation's radioactive waste dump. The Texas Low-Level Radioactive Waste Disposal Compact Commission is holding a stakeholder meeting today. Texas and Vermont are the only two states in the Texas Compact. Prime on the meeting agenda are rules for importing "low-level" radioactive waste from states outside the Compact to the Andrews County site in West Texas owned by Waste Control Specialists (WCS). The draft import/export rule released to the public yesterday essentially invites with open arms radioactive waste from the rest of the country and possibly the world.

"Strong controls must be adopted now that will prevent Texas from becoming the nation's nuclear dumping ground," said Texas State Representative Lon Burnam. "Next session, I will sponsor a bill to close the loophole in the Compact Law allowing any state to dump radioactive waste on Texas without approval by the Legislature."

"Allowing the eight member Texas Compact Commission, six of whom are appointed by Governor Perry, to approve importation of radioactive waste into Texas is undemocratic," said Representative Burnam. "Turning Texas into the nation's radioactive dumping ground so that WCS can make millions of dollars is irresponsible, especially since it will endanger public health and vital groundwater resources for thousands of years to come."

This won't be the first time WCS has used its influence to benefit from political decisions. WCS, and owner billionaire Harold Simmons, got state law changed to allow a private company to become licensed for the disposal of radioactive waste, as opposed to requiring disposal by the state.

The Texas Commission on Environmental Quality (TCEQ) technical team reviewing the "low-level" radioactive waste disposal license application unanimously recommended denial of the license because the site was unsafe for disposal of "low-level" radioactive waste. In a rare move, the TCEQ team recommended against issuing the license. Profit won out over safety concerns when TCEQ Commissioners issued the license anyway, ignoring its own scientists' findings.

"All of the TCEQ scientists working on the license determined the geology of the site to be inadequate because of the possibility of radioactive contamination of our aquifers and groundwater," said Glenn Lewis, technical editor for the TCEQ team that did a four-year review of WCS' application. "Groundwater is only fourteen feet below the bottom of the radioactive waste dump trenches. Fourteen feet is not an adequate safety margin for a site that is supposed to isolate radioactive waste for tens of thousands of years, but there was pervasive political pressure throughout the entire process to issue a license to WCS regardless of how unsafe the site was." Three TCEQ employees quit over the decision to issue the license.

Another of these employees was Encarnacion (Chon) Serna Jr., a chemical engineer reviewing several sections of the application, who resigned after it became apparent that the licenses were going to be granted by TCEQ no matter what. Serna indicated "that even after a third (only two allowed by state rule) notice of technical deficiency was granted to the Applicant WCS, the application was still extremely deficient in what it proposed vs. what was required by state rules, not only in the areas of geology and hydrology, but also in the areas of financial assurance, engineering design, operating procedures and radioactive dose rate assessments."

"WCS' own data shows groundwater in and near the proposed site," said Lewis, "If water intrudes into the landfill radionuclides could escape confinement and permanently contaminate groundwater."

The leakage possibility is not unique to the West Texas site. “All six of the so-called ‘low-level’ nuclear dumps in this country have leaked or are leaking, often costing the states in which they are located millions of dollars,” stated Diane D’Arrigo, Radioactive Waste Project Director at Nuclear Information and Resource Service. “One of the now closed nuclear waste dumps with supposedly ‘impermeable clay’ threatens the water supply downstream and is projected to cost in the range of \$5 billion to ‘clean up.’”

The draft import/export rule discusses the so-called “positive fiscal effects” from taking radioactive waste but fails to even acknowledge liability and the possible negative fiscal impacts from clean up costs that would result from radioactive leaks.

“It’s important to understand that when it comes to nuclear power and weapons waste, ‘low-level’ is not ‘low-risk,’” D’Arrigo said. “Much of the waste is dangerous now and stays dangerous for literally millions of years. Unshielded exposure to some radionuclides could kill a person in 20 minutes. Exposure to radiation causes cancer, genetic defects, reduced immunity and other health problems.”

“TCEQ rushed into a risky deal by approving a faulty application to dispose of some of the most dangerous radioactive waste known,” said Cyrus Reed, Conservation Director of Lone Star Sierra Club. “And they’ve done it without giving members of the public who are at risk a chance to prove that the application is faulty. That’s why the Lone Star Sierra Club appealed to the State District Court, asking that a hearing be required.”

“Now WCS wants to make their nuclear waste dump the nation’s radioactive waste dump,” said D’Arrigo. “The dump was only meant to take waste from five nuclear reactors in Texas and Vermont, but if the Compact Commission adopts a rule allowing ‘out of compact’ waste into Texas, the site could take waste from over 100 nuclear reactors, operating and proposed. WCS stands to profit while Texas is stuck with the long term liability and environmental devastation.”

Disposal of radioactive waste is a national and global problem, and all voices need to be heard. Texans aren’t the only ones that could be affected, as the dump is right on the Texas/New Mexico Border. “The residents of Eunice, New Mexico have been shut out of the TCEQ licensing process,” said Scott Kovac, Operations and Research Director with Nuclear Watch New Mexico. “As the closest community to the WCS site, residents of Eunice must also be included in the process.” Eunice is five miles from the radioactive waste dump.

The two parties in the Compact, Texas and Vermont, have expressed a need to dispose of at least 6 million cubic feet of radioactive waste in the next 50 years. Yet this volume, estimated by the Texas Compact Commission, is nearly three times more than the capacity of the site. The WCS license limits the total volume to be disposed at the Compact Facility to 2.3 million cubic feet. “If there isn’t room for Texas’ and Vermont’s waste, how can we even consider importing waste from out of the Compact?” said Eliza Brown, Clean Energy Advocate for the SEED Coalition. “Why should Texas be at risk of becoming the nation’s nuclear dumping ground? The Compact Commission should develop a ‘Don’t mess with Texas’ approach to radioactive waste dumping.”

WCS sought \$75 million in bonds from Andrews County taxpayers, which it says it needs to begin construction of the radioactive waste dump. A lawsuit was brought by local residents, challenging the May 9<sup>th</sup> vote which was paid for by WCS. Until the questions regarding the validity of 90 ballots are resolved the county money cannot be transferred to WCS to begin construction on waste dump.

“Low-level” radioactive waste is defined as everything radioactive in a nuclear power plant except the high-level reactor fuel core. Pipes that carry radioactive water, filters and sludge from the water in the reactor, the entire reactor itself when it is dismantled (thousands of tons of contaminated concrete and steel) can all be dumped. None of the radioactive elements in high-level waste is prohibited from being included in “low-level” waste. In fact, not a single radionuclide is barred from being dumped at the West Texas site.

“We now know how the original licensing process was rushed, with a multitude of unresolved deficiencies and issues,” said former TCEQ engineer ‘Chon’ Serna. “In light of what is currently being considered by the Texas Compact Commission, it is imperative that the old unresolved issues along with the ones that were resolved as adverse to the granting of the license, be revisited, reconsidered, and resolved by an Agency Team and a Team of Experts without the political pressure of legislators and Agency Directors. If unable to resolve these issues or if further studies and investigations determine the existing site is not suited for its ‘low level radioactive waste disposal purpose,’ waste disposal on the existing site should stop immediately, existing licenses should be revoked, and no more licenses or expansions should be granted for this site.”

Texans and safe energy advocates are calling on the Compact Commission to exercise its power and authority to prohibit ‘out of compact’ waste as other compacts have done. The Commission should not allow Texas to become the nation’s radioactive waste dumping ground.

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