

# LOBBY WATCH

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Pump & Dump:

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## Nuclear Compact With the Devil?

**You know it's *Strangelove* when Perry's appointees are supposed to regulate the radioactive ambitions of a \$620,000 donor.**

**G**overnor Rick Perry assigned Mission Impossible to six appointees in late 2008. After 16 months of training, the commandos are about to tackle an assignment so unforgiving that failure is almost certain. Their mission—should they decide to accept—is to regulate the plans of one of Perry's top donors to dump the nation's low-level nuclear waste in West Texas.

Not wanting to touch nuclear waste itself, Congress ordered states to form multi-state compacts to tackle the gunk themselves. The Texas Legislature formed a 1993 compact with teeny-weeny Vermont to dump radioactive waste from both states in Texas.<sup>1</sup>

The Texas Low Level Radioactive Waste Disposal Compact Commission began overseeing this mess in early 2009, with two commissioners appointed by Vermont and six appointed by Perry. Therein lies the unstable isotope.

Dallas corporate raider Harold Simmons, who has plowed \$620,000 into Governor Perry's coffers since 2001, monopolizes this business through Waste Control Specialists, LLC. *Forbes* recently ranked

Simmons the planet's 176th richest inhabitant, with an estimated net worth of \$4.5 billion.

Perry collected another \$150,000 from longtime Waste Control investor and lobbyist Kent Hance before he became chancellor of Texas Tech in 2006. Hance is the vice chair of Waste Controls' board.

Waste Control has pushed the Perry administration to expand the waste stream that it can pour into radioactive dumps in Andrews County near the Texas-New Mexico border. (The county is one-sixth the size of Vermont.) Material that the company wants to dump there near three important aquifers will be hot for tens of thousands of years.<sup>2</sup>

The commissioners are scheduled on May 11 to tackle proposed rules for states other than Vermont and Texas that want to move radioactive waste in and out of Texas. Those rules could make the compact anything but compact.



Waste Control cannot contain its enthusiasm for the new rules. President Rodney Baltzer upset Perry-appointed Commissioner Robert Wilson last December by calling his Andrews County site a “national solution” to America’s low-level radioactive waste problem, the *Texas Observer* reported.<sup>3</sup>

Wilson also objected to Waste Control arguing that failure to pass the rules could financially ruin Simmons’ company. “That puts an ungodly amount of pressure on us,” Wilson said at the time.

Under “ungodly” pressure,” Perry’s six appointees to the commission soon will demonstrate whether or not they can say “No” to the man who gave the governor \$620,000.

Other Perry appointees have failed to stand up to Simmons. The governor’s Texas Commission on Environmental Quality appointees granted a 2008 permit for Waste Control to take 3,776 radioactive canisters from a Simmons-owned plant in Ohio.<sup>4</sup> Before Simmons bought NL Industries in 1986, it served as a federal nuclear weapons contractor in

Fernald, Ohio. The U.S. Department of Energy paid almost \$14 million in 2008, a *D Magazine* investigation found, to settle Ohio’s claims that radiation from the NL plant contaminated the Great Miami Buried Valley Aquifer.<sup>5</sup>

Two significant events occurred shortly after the vote to let Simmons import his own weapons waste from Ohio. Then-Commission Executive Director Glenn Shankle resigned to become a Waste Control lobbyist. And Simmons’ Contran Corp. contributed \$100,000 in corporate funds to the Perry-chaired Republican Governors Association.

The TCEQ next granted Waste Control a 2009 permit for a broad spectrum of radioactive waste covering everything short of the hottest stuff such as spent nuclear fuel rods.<sup>6</sup> Three of the agency’s eight agency employees reviewing Waste Control’s application resigned. They opposed the permit because it raised serious concerns about groundwater contamination.

Four months after the vote, the Republican Governors Association—where Perry now served as finance chair—collected \$25,000 more from Contran.



“Yeehaw!” Slim Pickens’ Major Kong rides Strangelove’s bomb.

## NOTES

<sup>1</sup> Maine also was a member of the original compact before it withdrew.

<sup>2</sup> The Ogallala (or High Plains), Pecos Valley (or Cenozoic Pecos Alluvium), and Edwards-Trinity Plateau. See “Harold Simmons Is Dallas’ Most Evil Genius,” *D Magazine*, February 2010.

<sup>3</sup> “Radioactive Waste Commission Punts,” *Texas Observer*, December 11, 2009.

<sup>4</sup> “State Approves Radioactive Waste Dump,” *Austin American-Statesman*, May 22, 2008.

<sup>5</sup> “Harold Simmons Is Dallas’ Most Evil Genius,” *D Magazine*, February 2010.

<sup>6</sup> “Radioactive Waste License OK’d,” *Dallas Morning News*, January 15, 2009.