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Federal Investigation of Texas’ Radioactive Waste Dump Urged

NRC and EPA called upon to examine radioactive waste site and licensing process, risks of groundwater contamination and potential risks to the Ogallala Aquifer, which lies beneath eight states

AUSTIN – Environmental groups today asked the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Environmental Protection Agency (EPA) to investigate the radioactive waste storage and disposal programs administered by the Texas Commission on Environmental Quality (TCEQ) for the West Texas radioactive waste site owned by Waste Control Specialists (WCS). The groups say the TCEQ has failed to protect public health, safety and the environment by repeatedly and brazenly abusing its legal authority and disregarding warnings of its technical staff about the site’s hazards. Further, citizens have not had adequate opportunities to participate in the licensing processes.

The groups are calling on the NRC to consider terminating or suspending the TCEQ’s authority to regulate the storage and disposal of low-level radioactive waste and radioactive byproducts in Texas. The groups also are asking the EPA to review the potential impact on the water supply and take action if necessary.

The request, available at www.TexasNuclearSafety.org, was filed by Public Citizen and the Lone Star Chapter of the Sierra Club along with state Rep. Lon Burnam (D-Fort Worth) and individuals from Andrews, Texas, and Eunice, N.M., who live near the WCS facility in Andrews County. The matter is urgent because WCS has been pushing the Texas Low Level Radioactive Waste Disposal Compact Commission to let it import radioactive waste from at least 36 other states. The commission’s decision about accepting the additional waste was postponed earlier this year and likely will be taken up after the November election.

“Some of the hottest radioactive waste that exists, including nuclear reactor containment vessels and poison curtains that absorb reactor radiation, could be buried in the proposed radioactive waste dump. There is not a single radionuclide that can’t go to the so-called ‘low-level’ site, and many of them remain hazardous for literally millions of years,” said Karen Hadden, executive director of the SEED Coalition.

“Radioactive waste dumps around the country have leaked. Cleaning up contaminated groundwater is difficult and expensive. Texas taxpayers could be on the hook for cleanup costs if the site and groundwater become contaminated or if there are transportation accidents,” Burnam said.

The “low-level” site has not been built yet. Nuclear weapons waste from Fernald, Ohio, already has been buried at the adjacent byproduct facility at the WCS site in Andrews County in West Texas.

TCEQ employees recommended a license for the “low-level” radioactive waste dump be denied – the review team unanimously recommended denial of the license – and several quit in protest when their recommendations went unheeded and the facility was licensed. In an interoffice memo, TCEQ technical staff who reviewed the permit said that it was “highly likely” that radioactive waste would leak into groundwater and noted that WCS had failed to comply with state rules regarding depth to the water table so that groundwater will not reach the waste.

“The ‘low-level’ radioactive waste license was issued despite a unanimous staff recommendation to deny it,” said Tom “Smitty” Smith, director of Public Citizen’s Texas Office. “Notwithstanding the staff recommendation, then-TCEQ Executive Director Glenn Shankle ordered that the draft radioactive waste license be drawn up. Six months after resigning from the agency, Shankle registered as a lobbyist for WCS, the company seeking to build the dump. How can we rely on a decision made by someone who goes to work for the regulated company six months later? Could his decision have anything to do with the fact that he may have been angling for a job with WCS?”

According to Texans for Public Justice, a nonprofit group that tracks money in politics, WCS owner Harold Simmons has contributed \$620,000 to Gov. Rick Perry since 2001. Perry appointed the six Texas members of the Compact Commission, whose vote on the upcoming radioactive waste import rule will determine whether Texas becomes the nation’s radioactive waste dumping ground or whether radioactive waste will be limited to that of Texas and Vermont, the two Compact Agreement states.

For several years, the Lone Star Chapter of the Sierra Club has raised environmental and public health concerns regarding the radioactive waste dump but was denied a voice in the process.

“We fought to have hearings regarding WCS’ radioactive waste dumps, but the TCEQ blocked the hearings,” said Cyrus Reed, conservation director for the Lone Star Chapter of the Sierra Club. “We represent citizens who live within five miles of the radioactive waste dump. Under federal case law, a hearing would have been granted, but Texas denied these citizens the opportunity for discovery and a hearing. We have appealed the decision, but both appeals remain pending.”

Risks of groundwater contamination are of huge concern. Maps have been in flux while hot debate centers on whether the WCS site is directly over or connected to the Ogallala, a huge aquifer that provides drinking water for nearly two million people. The aquifer lies beneath eight states and provides water for more than a quarter of the country’s irrigated land. WCS acknowledges that the Dockum Aquifer and the OAG (Ogallala, Antlers and Gatuna) formation are important to the site, according to a presentation a WCS geologist made at a Compact Commission meeting.

“Radioactive waste contamination of any aquifer is a disaster,” Smith said. “If the massive Ogallala Aquifer were to become contaminated, the result could be a disaster of unprecedented magnitude, affecting millions of people throughout the nation.”

“Groundwater contamination risks, political influence, questionable TCEQ licensing decisions, lack of enforcement and the blocking of public hearings are key reasons that the NRC and EPA should investigate the evidence regarding Waste Control Specialists’ radioactive waste dump,” Hadden said. “It is important that the federal agencies investigate these issues fully before the Compact Commission makes a decision that could lead to Texas becoming the nation’s radioactive waste dumping ground.”

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