

The Good and the Bad: Radioactive Waste Legislation - 2019

The first rule of holes... When you're in one, stop digging

In December 2018 the Compact Facility Legislative Oversight Committee released its Report to the 86th Legislature. The committee examined costs, fees, capacity and an upcoming contingency plan for Waste Control Specialists' (WCS) facility in Andrews, Texas.

This site currently accepts low-level radioactive waste. The company has applied to the Nuclear Regulatory Commission for a license allowing them to import 40,000 tons of dangerous high-level radioactive waste, spent fuel rods from nuclear reactors around the country, which would be transported across Texas and stored above ground at the WCS site for decades.

WCS has a history of repeatedly requesting the Legislature to allow expansion of their site and the amount of waste they can accept, changes they claim are essential for their financial success. Yet they're losing \$10 million annually. The company has also received numerous TCEQ license amendments that undermine their original requirements. They're back again.

Please oppose Sen. Seliger's SB 1021 and Rep. Landgraf's HB 2269, which would

- *Increase the limits on the curies of radioactive waste the site can accept, once again.
- *Require construction of another waste pit when capacity reaches a certain point. This premature move is unnecessary. The company recently reported to the Texas Low-Level Radioactive Waste Disposal Compact Commission that less than 2% of the Compact facility capacity has been used.
- *Entirely cut out the 5% revenue that was originally required to go to the comptroller and into the general revenue fund for the State of Texas. This equates to an unwarranted bailout at the expense of all Texans. The 5% for Andrews County would remain intact.
- *Allow disposal rate changes designed to increase the amount of radioactive waste at the site.

Legislators should deny requests to expand the site, especially digging an additional unnecessary and expensive pit, which could worsen financial woes and put the State of Texas at increased risk.

Texas may have to take over the radioactive waste site operation or closure at some point if the operator goes bankrupt or walks away from the project. **Limiting the waste would limit liability. It makes sense to limit, not expand, the importation of radioactive waste. Opposing this bill can help prevent billions of dollars in future liability and increased health and safety risks.**

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Why should WCS no longer have to pay the State of Texas the agreed upon 5% revenue? This funding should be dedicated to a Texas contingency fund to protect the state's finances, and the health and safety of Texans in the event of radiation releases from accidents or sabotage at the site or during transport.

The State of Vermont required \$250 million in order to protect the state in the upcoming decommissioning of the Vermont Yankee nuclear reactor.

Former NRC Chairman Peter Bradford noted in the November 2018 Texas Low-Level Radioactive Waste Disposal Compact Commission meeting that the State of New York was left to foot the bill for \$2 billion of remediation at the radioactively contaminated West Valley site, since the federal government refuses to pay for the entire massive cleanup.

Please support Sen. Rodriguez' SB 1753 and Rep. Blanco's HB 4089

These good companion bills require:

- *The development of a state contingency plan that would be needed if an operator went bankrupt or abandoned the project, or in case of a serious accident
- *Updating of the financial assurance assessment in order to protect the financial well being of the state of Texas
- *Independent inspection of the radioactive waste site and its operations, paid for by the operator
- *Analysis of the risks that might be incurred if there is a radioactive release involving low-level or high-level radioactive waste at the site or during transportation

A state contingency plan is needed to ensure that strong financial assurance is put in place to protect Texas' financial health. Remediation costs at existing leaking federal radioactive waste sites have soared into the billions of dollars. The federal government is unlikely to foot the entire bill if there is an accident, leak or sabotage that leads to contamination.

Financial losses should not be used as an excuse to bail out a radioactive waste site operator or to cut the state out of previously promised revenues. Unnecessary expansion should not be allowed. WCS should not be allowed to dig themselves into a deeper hole, one that Texans could inherit later.

No operator should be allowed to put the finances, health or safety of Texans at risk. Legislators should resist a private company's effort to expand imports of dangerous high-level radioactive waste for their own economic benefit, while risks to the state would increase.

If the state has to take over operations or closure of the radioactive waste site, less waste will mean less liability. **Texas legislators should support these good bills in order to protect public health and safety, and the financial security of our state.**

Resources:

Compact Facility Legislative Oversight Committee, Report to the 86th Legislature, December 2018:
<https://senate.texas.gov/cmtes/85/c845/c845.InterimReport2018.pdf>

Entergy Completes Sale of Vermont Yankee to NorthStar <https://finance.yahoo.com/news/entergy-completes-sale-vermont-yankee-132300377.html>