TX Company Could Bury Nuclear Waste in April

BETSY BLANEY,Associated Press

LUBBOCK, Texas (AP) — Trucks carrying low-level radioactive waste from 38 states will likely be rolling along Texas highways as early as April, bound for permanent burial at a dump near the New Mexico border.

The arrival of the low-level radioactive waste will end a years-long effort by a Dallas-based company, whose majority owner is big-time political contributor Harold Simmons, to win permission from Texas officials to accept the waste at 1,340-acre tract of scrub brush terrain about 360 miles west of Dallas. Opponents say Waste Control Specialists has benefited from Simmons' connections to top Republicans, including Gov. Rick Perry.

The state's commission overseeing disposal of low-level waste in Texas is expected to approve the final rule changes needed on Friday. State lawmakers cleared the way with a new law passed in the last legislative session. State regulators still need to sign off on the burial site's construction.

Environmental groups have for years voiced concerns about the geology of the site and about the potential for contamination of underground water sources they say are too close. A "nightmare scenario" exists, though, in transporting the waste to the site, said Karen Hadden, director of the Texas SEED Coalition.

"All of it is dangerous but we are very concerned about highway accidents," she said. "There could be accidents in downtown Dallas or downtown Fort Worth and Houston. There is risk of radioactive contamination and exposure."

Company spokesman Chuck McDonald, who noted extensive testing at the site has shown it's safe, said accidents involving transportation of radioactive material are infrequent.

"It's actually a very good the track record," he said.

Data from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration show that from 2003 through 2011 there were 72 incidents involving trucks with radioactive material traveling on highways. One person died and the accidents caused $2.4 million in damages.

That compares with almost 64,000 incidents involving flammable/combustible liquids — the leader in hazardous materials accidents in the nine-year span. Seventy-six people have died in those incidents, which caused $319.5 million in damages.

There is no requirement to notify law enforcement officials along routes trucks will travel with the low-level waste, said Chris Van Deusen, spokesman for the Texas

Department of State Health Services, which oversees the transportation of the waste.

One state legislator said he wonders whether those living along the routes are ready, were an incident to occur.

"Transportation of this waste is not route-restricted, and we don't know whether local emergency response teams are prepared for such a scenario," said Texas Rep. Lon Burnam, a Democrat from Fort Worth.

Waste Control, which also stores, processes and manages hazardous wastes at the site, has spent hundreds of millions of dollars to open the dump. In 2009, the state issued two licenses to the company to bury low-level radioactive waste, making it the nation's only dump for all classes — A, B and C — of nuclear debris and the first low-level site to open in 30 years.

One license pertains to a compact between Texas and Vermont that allows for disposal of radioactive materials such as uranium, plutonium and thorium from commercial power plants, academic institutions and medical schools. Last year, though, lawmakers approved allowing low-level radioactive waste from 36 other states to be buried in West Texas.

Petitions to bury waste from the compact states and the three dozen other states must be approved by the Texas Low-Level Radioactive Disposal Compact Commission, whose meeting is Friday, on a case-by-case basis.

The other license deals with similar materials from sites run by the U.S. Department of Energy, such as Los Alamos National Laboratory in New Mexico, Hanford Site in Washington state and other federal facilities.

Simmons, who is the world's 100th wealthiest man with $9 billion on this year's Forbes list, has given Perry's campaigns $1.1 million during his time as governor. The governor is responsible for appointing environmental commissioners.

"That's been the pattern all along," Hadden said. "When you've a billionaire at the helm of Waste Control Specialists and many lobbyists on the payroll, things tend to go your way."

She pointed to last fall when Waste Control was allowed to use stock from a publicly-traded sister company, Titanium Metals, to fund a trust to cover potential liability at the radioactive waste facility. The license required the company to provide $140 million in financial assurance.

State law allows several methods for the assurance, including a fully funded or a standby trust, a surety bond or an insurance policy but it also allows the agency's executive director to approve other mechanisms on a case-by-case basis.

Once the waste is in the ground it becomes the property of the state. The disposal license is good until 2024 and can be extended by 10-year periods after that.

In an email response, an environmental commission spokesman said Waste Control told his agency that the cost to get a letter of credit in 2010 was prohibitive and that's why they used stock as collateral instead. The company blamed changes in the market and the inability to get commercial insurance.

Environmental commission spokesman Terry Clawson's email said using publicly-traded stock "has been done before for hazardous waste facilities." The agency required additional protections in allowing the company to use stock from the sister company, including a $20 million surety bond along with a standby trust agreement. After five years the company must come up with cash or a more secure, traditional form of financial assurance.

The federal government in the early 1980s began urging states to build low-level nuclear waste landfills, either on their own or in cooperation with other states by forming compacts. Since then, South Carolina entered into a compact with New Jersey and Connecticut, agreeing to dispose of nuclear waste at a landfill that later accepted waste from dozens of other states.

But about 10 years ago, South Carolina lawmakers said they no longer wanted to be the nation's dumping grounds and in 2008 the facility began accepting waste from only its compact partners, leading other states to look to Texas to store their waste.

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Online:

Texas Low-Level Radioactive Waste Disposal Compact Commission: http://www.tllrwdcc.org *[1].*

Texas Commission on Environmental Quality: www.tceq.state.tx.us *[2].*

Waste Control Specialists: http://www.wcstexas.com *[3].*

Associated Press writer Betsy Blaney can be followed on Twitter at https://twitter.com/betsyblaney *[4].*

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