



January 31, 2013

Texas Low-Level Radioactive Waste Disposal Compact Commission  
333 Guadalupe Street, #3-240  
Austin, TX 78701

Dear Chairman Wilson and Compact Commissioners,

The Sustainable Energy and Economic Development (SEED) Coalition is a Texas-based non-profit organization that advocates for sustainable economic development and clean, affordable energy solutions.

SEED Coalition and the organizations signed on below as endorsing these comments remain concerned about any and all applications to import radioactive waste for disposal in Texas, and do not feel that any applications should be approved at this time. Among our many concerns, which have been laid out in great detail in comments we have filed regarding many import applications, is the risk of radioactive contamination of water.

The water contamination risk is serious enough that it was a factor in TCEQ Radioactive Materials Division members unanimously recommending denial of WCS' license. Three TCEQ employees quit due to concerns about licensing the facility.

An August 14, 2007 interoffice memorandum included the following:  
"Analysis of the data submitted by Waste Control Specialists LLC, in its license application for near-surface disposal of radioactive waste, has resulted in the following conclusions:

Groundwater is likely to intrude into the proposed disposal units and contact the waste from either or both of two water tables near the proposed facility.

The Applicant has failed to demonstrate compliance with 30 TAC §336.728(f) which states "The disposal site shall provide sufficient depth to the water table so that groundwater, perennial or otherwise, shall not intrude into the waste."

Recent water monitoring reports from the WCS site in Andrews County are not reassuring. The October 2012 OAG Water Level Report states that the water level rise in several wells came from a potable water source and evidence of a leak in the buried water supply line was found. A pressure drop was detected in the water supply line east of the Compact Waste Facility Staging Building Foundation. While the line was reportedly repaired, water levels increase in CWF-10A and OAG-34 as a result of the

leak. This is not reassuring at a site that is supposed to be dry today and remain dry for thousands to millions of years.

Furthermore, two wells that have been of great concern remain saturated, OAG-21 and OAG-22. WCS reports that they expected these saturated conditions in the vicinity of the playa because it was a "localized, closed surface depression. The water beneath the former small playa appears to be an isolated and localized lens of infiltrated surface water in the OAG unit. This lens of infiltrated surface water is being removed by pumping OAG-21."

So apparently this playa can recharge. Is it doing so? This inadequate report fails to describe the progress, or lack of progress, in the pumping efforts, which were at one point anticipated to continue for 18 months. This is very key piece of information that is missing, especially considering that radioactive waste is currently being buried at the Compact Waste Facility site.

At the By-product landfill, the report states that "saturated conditions in the OAG in the vicinity of the landfill are essentially the same as presented in earlier monthly OAG reports. However, water levels in FWF-1A and FWF-27A were below the OAG/Dockum contact when measured in October. Water levels in both wells were affected by sampling in the previous month." This information should be clarified and an explanation should be provided as to what this actually means.

Of 302 wells gauged in October 2012, there were 214 considered to be dry (unsaturated) and 87 had measurable water levels above the top of red beds (saturated). **This means that over 40% of the wells were saturated.** It should be noted that a well can be considered dry if the water in it is below the level of measurement.

Table 1 OAG Water Levels October 2012 provides data for the wells. SEED Coalition highlighted a data column for wells that were less than 30' in their Depth to Water. **There were 48 wells with less than 30' depth to water. Eight of these wells were under 21' in depth to water.**

**Please halt approval of all applications until the Compact Waste Facility site can be clearly determined to be dry.**

**Please consult with legal and technical advisors to determine whether license requirements are being met, and ask TCEQ to provide you with a technical presentation of the water monitoring data.**

There have been in-depth discussions of the site geology and water levels in the past, and it is time again for detailed scientific information to be brought to light in order to ensure public health and safety and prevent radioactive contamination of water.

Sincerely,

*Karen Hadden*

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**These comments are supported and endorsed by the following organizations and individuals:**

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