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Lon Burnam
DISTRICT 90 • FORT WORTH

July 10, 2014

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

RE: Ongoing Issues At the Texas Compact Waste Facility

Chairman Wilson and Commissioners:

I am writing to voice my continued concerns about the Waste Control Specialist-administered (WCS) facility in Andrews County, Texas, known as the Texas Compact Waste Facility (CWF).

We have ample reason for concern due to an incident six months ago, when dangerous radiation was released from the Waste Isolation Pilot Plant (WIPP) in New Mexico. Less than a year prior, the Department of Energy (DOE) was touting WIPP as "an international model for the safe, environmentally sound disposal of radioactive materials."¹ Despite this praise, radiation (including plutonium and americium) soon escaped from the site, only fifteen years into the plant's 10,000 year life. Contamination has been detected 26 miles away, including in the Carlsbad, New Mexico municipal area. The number of exposed workers is now reported at 22.

The WIPP incident exposes how even well-regarded sites are at risk, and should provide a cautionary tale to the Compact Commission. The Texas site accepts plutonium and americium, just like the New Mexico site. Up to ten barrels similarly packed to those involved in the WIPP leak have been received at the WCS site this year. To exacerbate matters, requirements for WCS to operate the CWF site have recently been loosened to allow higher level waste, including shipments formerly destined for WIPP. This is despite ongoing water problems, and serious potential for unforeseen costs to Texas taxpayers. TCEQ is not reporting to the Compact Commissioners about water levels in a timely manner, nor is there any indication whether they will continue ongoing pumping efforts.

These concerns are not new. Texas Commission on Environmental Quality (TCEQ) staff felt strongly enough about contamination risks that they unanimously recommended denying the

¹ "WIPP Celebrates 14th Anniversary," *United States Department of Energy*. Press Release, April 29, 2013. Accessed July 8th, 2014. <http://energy.gov/em/articles/wipp-celebrates-14th-anniversary>

CWF license. Three TCEQ employees resigned in protest. What is the Compact Commission currently doing to ensure that these WIPP barrels, as well as the many others stored at the CWF site, are safe and secure in light of the recent issues at the "model" WIPP site?

It is incumbent upon the Compact Commission and the TCEQ to explore even the smallest doubts about site safety, since the ultimate health and financial costs will fall upon Texans. Unfortunately, there are more than a few doubts about the WCS operations in Andrews County. Recently, I have filed two rulemaking petitions with the TCEQ to at least partially address these problems of fiscal and public health.

My first rulemaking petition would ensure that relevant information about water removal costs are available to the public. Taxpayers may become liable for such costs since the State of Texas will ultimately take title to all radioactive waste disposed in the CWF site. TCEQ is tasked with undertaking any "monitoring, maintenance, or emergency measures" regarding "waste and property for which it has assumed custody."² The Compact Commission has requested such information in the past and should do so again, especially considering that higher level radioactive waste continues to be buried at the CWF site.

I have also become concerned in recent months with the increasing radioactivity and quantities of wastes that are being accepted by WCS. My second rulemaking petition would require a publically-available environmental analysis that studies and assesses the long-term effects on the public health or water resources, as well as provides at least 20 days for public comment. Ensuring concerted scientific study of the CWF site will help prevent Texas taxpayers from being burdened with unforeseen costs. TCEQ and the Compact Commission need to better facilitate the public's understanding of changes to the CWF site, because ultimately it is the public that will bear any additional costs these changes generate.

Past discussions of the site geology and water levels need to be revisited. It is time for detailed scientific information to be brought to light in order to ensure public health and safety. Even highly engineered sites like WIPP can experience crises. Greater accountability and transparency will help prevent radioactive contamination in the State of Texas.

Sincerely,



Representative Lon Burnam

² TEX. HEALTH & SAFETY CODE § 401.212; *see also* TEX. HEALTH & SAFETY CODE §§401.205(a), 401.209.