

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Tuesday, June 21, 2022 4:38:02 PM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Tuesday, June 21, 2022 4:05 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Tue, 06/21/2022 - 14:01

Submitted by: Visitor

Submitted values are:

Choose the agency that you would like to provide input about
[Texas Low-Level Radioactive Waste Disposal Compact Commission](#)

Public Comments

1

First Name

Karen

Last Name

Hadden

Title

Executive Director

Organization you are affiliated with

Sustainable Energy & Economic Development (SEED) Coalition

Email

City

Austin

State

Texas

Your Comments or Concerns

The purview of the Compact Commission includes protection of public health and safety. The Commission frequently defers to TCEQ rather than developing their own positions, but should be

empowered to independently take on a stronger role.

The Commission should be empowered to levy and collect fines for violations of waste disposal policies, and any fees collected should go into state funds for related remediation.

SEED Coalition has supported funding for the Compact Commission and urged that money be made available for the purpose of technical studies or consulting as needed to ensure safety at the site.

Our organization has been concerned about the presence of water at the site since operations began. The issue is so important that three TCEQ's Radioactive Materials Division professionals resigned over these concerns. In fact, the entire division unanimously recommended denying WCS' license for low-level radioactive waste. Water issues should be discussed more extensively at Compact Commission meetings, not simply be considered TCEQ's purview. WCS' own geology presentation addressed the presence of water at the site, the Dockum Aquifer and the OAG – Ogallala, Antlers, Gatuna – formation, and that "puddles accumulate --- then dry up." The nature and extent of underground water at the site needs ongoing investigation and monitoring. The Compact Commission should be empowered to weigh in on this important safety issue involving low-level radioactive waste disposal. Unfortunately, WCS has gotten the TCEQ to approve their efforts to reducing water monitoring by eliminating the number of monitoring wells and the frequency of reporting.

The site is supposed to be dry. Temporary pumping began, and then was extended to last 18 months. Then it continued. It appears that there is now ongoing permanent water pumping at the site, near where radioactive waste is buried in the Compact and Federal Waste facility pits.. When SEED Coalition previously analyzed WCS' water monitoring reports to TCEQ, it was found that 40% of the wells were saturated. Water contamination risks remains a concern. More, not less monitoring is needed. Due to WCS continued efforts to loosen requirements, waste can now be buried at the site even if there is standing water next to where a container is placed - at this presumably dry site.

We addressed a water monitoring concern at the January 27, 2022 Compact Commission meeting. WCS had recently requested a license modification to plug and abandon a monitoring well that showed the presence of 6.21 feet water. The Compact Commission should have been able to halt waste disposal at the site until the source of water in monitoring well (FWF 17B) was further analyzed. They should be empowered and encouraged to take action when risks to the site, environment or public health arise.

Your Proposed Solution

Recommendations:

The Commission should be able to assess fines for violations, and any fines collected should go into a remediation fund.

The Compact Commission should interpret its role more broadly and utilize its full authority to halt disposal of low-level radioactive waste when appropriate in order to protect public health and safety. Overall operations and safety at the site should be considered by the Commission as decisions are made.

The contingency plan that the Compact Commission is developing alongside the TCEQ should entail more than a list of who contacts who in response to an emergency or incident. It should be a site-wide plan that encompasses various scenarios. The WCS site has 3 radioactive waste pits, storage facilities and a hazardous waste pit with toxic and explosive materials. A problem at any one part of the site could impact the whole site, and site-wide emergency response and management plans should be part of the contingency plan. This is needed to protect the region and potentially the state, since there could be significant health, environmental and economic impacts from a disaster at the WCS site.

The Commission should be funded adequately, and encouraged to contract for studies to ensure that operations at the low-level waste disposal site are conducted properly and safely, Independent third party review of operations at the site would help protect the health, safety and economic well-being of Texans.

Reports provided orally by WCS should be posted on the Commission's website.

My Comments Will Be Made Public

Yes

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Wednesday, June 22, 2022 7:01:27 AM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Tuesday, June 21, 2022 5:15 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Tue, 06/21/2022 - 15:06

Submitted by: Visitor

Submitted values are:

Choose the agency that you would like to provide input about
[Texas Commission on Environmental Quality](#)

Public Comments

1

First Name

Karen

Last Name

Hadden

Title

Executive Director

Organization you are affiliated with

Sustainable Energy & Economic Development (SEED) Coalition

Email

City

Austin

State

Texas

Your Comments or Concerns

The TCEQ licenses and oversees Texas' low-level radioactive waste site. TCEQ's Radioactive Waste Materials Division originally recommended denying the license due to the proximity of groundwater and risks of water contamination, but the license was issued anyway.

Over the years, TCEQ has repeatedly granted the numerous license modifications requested by Waste Control Specialists (WCS). Recently the agency approved WCS' request to plug and abandon a water monitoring well, instead of requiring that it be repaired or replaced. TCEQ must end the continual erosion of safety requirements. Significant license changes have often been made as a "minor amendments," cutting out the public's opportunity for a contested case. The agency must stop caving into every request by WCS and act to protect the public.

High Level Radioactive Waste:

The efforts of Interim Storage Partners (Waste Control Specialists and Areva) to store "high-level" radioactive waste in Texas have been strongly opposed by the Governor, Senators and Congressional Representatives, Texas Legislators, Counties, Cities and citizens. Resolutions opposing high-level radioactive waste transportation have been passed by Dallas, Bexar, El Paso, Nueces, Midland and Andrews Counties, representing over 5.4 million Texans.

It is especially critical that TCEQ fully comply with the provisions and intent of HB 7, passed in the second session of the 87th Legislature. The bill prohibits high-level radioactive waste storage or disposal in Texas. It prohibits TCEQ from issuing a general construction permit, approving a Stormwater Pollution Prevention Plan or issuing a permit under the Texas Pollutant Discharge Elimination System Program for the construction or operation of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission.

TCEQ must not work around the requirements of HB 7 or weaken the intent of HB 7.

The agency recently allowed an 87% reduction in the fees they collect from Waste Control Specialists. This decision should be reversed. The original fees should be collected and put into the radiation remediation fund.

Your Proposed Solution

TCEQ must fully comply with HB 7, passed in the second session of the 87th Legislature.

TCEQ must not work around the requirements of HB 7 or weaken the intent of HB 7.

The agency recently allowed an 87% reduction in the fees they collect from Waste Control Specialists. This decision should be reversed. The original fees should be collected and put into the radiation remediation fund.

Significant license changes have often been made as a "minor amendments," cutting out the public's opportunity for a contested case. This has eroded many crucial safety requirements for the WCS low-level radioactive waste site. The agency must stop caving into every request by WCS and act to protect the public.

The agency must stop trying to import ever-increasing volumes of waste and ever-hotter waste, such as Greater-Than-Class C reactor-related waste. The first priority of the TCEQ should be protecting public health and safety, not profiteering from radioactive waste.

TCEQ should work with the Texas Low-Level Radioactive Waste Disposal Compact Commission to develop a comprehensive contingency plan, instead of one that focuses only on the Compact Waste Facility. An incident, leak or accident at one facility at the WCS site could impact the overall facility, and perhaps the region. Economic, environmental and health impacts from a serious accident could impact the entire state. A site wide plan should be developed that includes true emergency responses, and not be limited to directives for contact and notification.

My Comments Will Be Made Public

Yes