

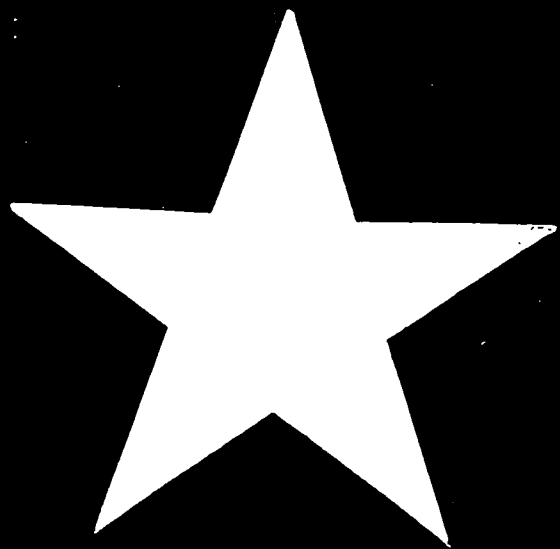
READ THIS AND VOTE NO TO ENVIRONMENTAL RACISM AND THE PROPOSED NUCLEAR DUMP IN WEST TEXAS

"One population that might benefit from such a [radioactive waste public information] campaign is Hispanics, particularly those with little formal education and low incomes. This group is the least informed of all segments of the population...The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition."

-From "An Analysis of Public Opinion on Low-Level Radioactive Waste Disposal in Selected Texas Counties." Prepared for the Texas Low-Level Radioactive Waste Disposal Authority as part of the **Texas site selection process**. By Hill, D.B. & Dyer, J.A., 1984, p. 53.

**A VOTE FOR THE COMPACT IS
A VOTE FOR RACISM
VOTE NO ON HR 629 CONFERENCE REPORT
AND VOTE AGAINST RACISM**

NOTE: Texas Law requires that the radioactive waste dump be located in a 370 square mile box populated predominately by Hispanics.



Texas:

Not the Nation's Toxic Waste Dump

August 25, 1998

TEXAS HOUSE OF REPRESENTATIVES

CAPITOL OFFICE
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0622
(888) 209-7618 TOLL FREE
(512) 463-5896 FAX



DISTRICT OFFICE
6070 Gateway East
Suite 508
El Paso, Texas 79905
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Norma Chávez

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Representative Norma Chavez's Statement

1

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Norma Chávez

August 19, 1998

Texas Natural Resource Conservation Commission
Commissioners Barry R. Mc Bee,
R. B. "Ralph" Marquez, and John M. Baker
P. O. Box 13087
Austin, Texas 78711-3087

Re: Public Comment Opposing Proposed Low-Level Nuclear Dump site in Sierra Blanca, Texas

Gentlemen:

The intent of this letter is to strongly oppose the proposed low-level nuclear dump site near Sierra Blanca, which is currently before the United States Senate.

I am in complete agreement with two Texas administrative judges who last month recommended that the license application for the dump be denied because of severe geological problems and because the Texas Low-Level Radioactive Waste Disposal Authority failed to "adequately address potential local and regional socioeconomic impacts such as economic growth that might be forgone, adverse impacts on tourism, heated concerns regarding the applicants environmental racism."

The judges recommended that the state reject the license needed for the dump because of concerns focused on a fault underneath the proposed site. Experts did not have enough information to determine whether the fault under the proposed site is connected to a potentially more dangerous fault nearby, but it did raise enough questions for them to recommend against a license.

As a legislator, I am extremely concerned because going against the recommendations of the judges and experts could open the state to legal actions, or unwittingly create a base for lawyers to hold the state liable on various issues, for example: endangering residents and fouling the area despite qualified warnings.

Much of that liability, in my opinion, would center on well-documented claims of Sierra Blanca residents being victimized as part of a vile and growing sector known as environmental racism.

DISTRICT 76



COMMITTEES: Human Services ★ State, Federal & International Relations ★ Rules & Resolutions
Not Printed at State Expense. Political Advertisement Paid for by the Norma Chávez Campaign, Craig Marusich, Treasurer



According to a report filed by state examiners, the Texas Low-Level Radioactive Waste Disposal Authority failed to address issues of environmental racism, including "social impacts such as those related to perceptions of unfairness in the siting process or perceived changes in the quality of life in the area." The Mexican American Legislative Caucus is in full agreement and demands that the dump be located in an area not subject to the environmental racism or seismic activity that could threaten the surface and underground water sources of Mexico, the U.S. and the West Texas Region.

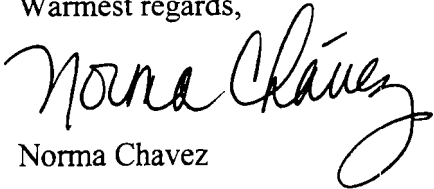
As for the seismic activity, the examiners were concerned about what members of the Waste Management Associates have found, which is that 64 earthquakes of magnitude 3.0 or greater have occurred from 1923 to 1995 within 200 miles of the proposed dump site.

University of Texas at El Paso earthquake researchers say that on average, "a felt earthquake in the magnitude of 3.0 to 4.0 range occurs near El Paso every 10 years ... Although we do not feel earthquakes frequently in El Paso, the seismic observatory on the UTEP campus records about one local earthquake every month." The Waste Management Associates also have found that 14 faults with surface scarps, or breaks in the ground's surface, have been identified within 31 miles of the site. According to work done by the U.S. Geological Survey, earthquakes of magnitude 7.5 are possible along any of the fault scarps in the region. The UTEP researchers say there are "many faults within 200 miles of El Paso that appear to have moved within the last 20,000 years."

This activity alone heightens the possibility or potential of fouling surface and underground water sources within the El Paso, Sierra Blanca, Valentine area, and across into Mexico. Those naturally occurring underground water sources are precious, at the moment dwindling, and cannot be easily replaced. Residents, officials and entire communities along the U.S.-Mexico border have consistently shown their disapproval of the dump and now implore that the permit be denied.

I, as a state legislator, am in league with these individuals and the numerous resolutions outlining the reasons why this license and dump must not be allowed. I trust you will make the correct decision and deny the license for the creation of this proposed radioactive dump site.

Warmest regards,


Norma Chavez

Mexican American Legislative Cucus

Letter from Chair, MALC to US Senate
Resolution by MALC



Mexican American Legislative Caucus
Texas House of Representatives

August 26, 1998

Kay Bailey Hutchison
United States Senate
Room 284 Russell Office Bldg.
Washington, D.C. 20515

Dear Senator Hutchinson:

The 35 members of the Mexican American Legislative Caucus (MALC) of the Texas House of Representatives oppose the proposed nuclear waste dump in Sierra Blanca, Hudspeth County, Texas. We are urging you to join us in opposing the Sierra Blanca site.

Please consider the following observations regarding the Sierra Blanca site:

1. Texas plans to bury enough low-level radioactive waste to fill the floor of the Astrodome 7 feet deep.
2. The proposed federal law would allow all fifty states to dump their nuclear waste on Texas.
3. All of the seven low-level nuclear waste dumps built in the United States have leaked.
4. The dump would be only 16 miles from the Rio Grande River and near current water sources for El Paso and West Texas.

Additionally, the region has a history of earthquakes. The last earthquake occurred just three years ago. Recently two administrative law judges recommended to the commissioners of the Texas Natural Resources Conservation Commission (TNRCC) that the proposed nuclear dump site in Sierra Blanca should not open. According to these independent judges, Texas failed adequately to study the environmental effects of the disposal site and should have considered the needs El Paso in its studies. Governor George W. Bush has publicly stated that he would oppose the location of the low-level waste site in Sierra Blanca if they showed the site to be unsafe and a threat to the residents of West Texas.



Kay Bailey Hutchison

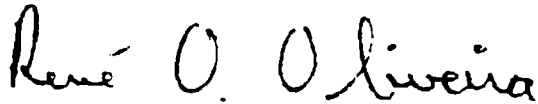
Page 2

August 26, 1998

Please join MALC in opposing the Sierra Blanca site. Let Governor Bush know we are counting on him to protect Texans from possible radioactive leaks, spills, accidents and contamination of any sort. Urge Governor Bush to recommend to his appointees on the TNRCC to adopt the recommendations of the state's independent administrative law judges and deny the application needed to construct and operate the low-level radioactive dump site in Sierra Blanca.

A copy of a resolution opposing the Sierra Blanca site recently adopted by all thirty-five MALC members is attached for your review. If you need more information, please call MALC at (512) 236-8410.

Sincerely,

A handwritten signature in cursive script that reads "René O. Oliveira". The signature is written in dark ink and is positioned above the printed name and title.

René O. Oliveira
Chairman



Mexican American Legislative Caucus

Texas House of Representatives

RESOLUTION IN OPPOSITION TO THE PROPOSED NUCLEAR WASTE DUMP IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

WHEREAS: the state of Texas seeks to build a low-level radioactive waste disposal site near Sierra Blanca in Hudspeth County, Texas, only sixteen (16) miles from the Rio Grande and in a region which has gained recognition as an active earthquake zone, and;

WHEREAS: after a prolonged and protracted hearing, state administrative law judges have ruled that "the fault beneath the site has not been adequately characterized to determine whether it is connected with a capable fault off-site" and have further ruled that the Texas Low-Level Radioactive Waste Disposal Authority has also "failed to adequately characterize the basic properties of this fault;"

WHEREAS: state administrative law judges also determined that the Texas Low-Level Radioactive Waste Disposal Authority "failed to adequately address potential local and regional socioeconomic impacts such as economic growth that might be forgone, adverse impacts on tourism, and social impacts such as those related to perceptions of unfairness in the siting process or perceived changes in the quality of life on the area", and;

WHEREAS: the Hueco-Mesilla Bolson, the current water source for El Paso and West Texas, and the West Texas Water Bolsons, the future water source for El Paso and West Texas, lie directly in the immediate vicinity of the proposed low-level radioactive waste disposal site and the very threat of contamination to this life support should be reason enough for a permit to be denied, and;

WHEREAS: twenty (20) Texas counties, thirteen (13) Texas cities, and seven (7) governmental entities from the Republic of Mexico have passed resolutions against the proposed waste disposal site and several delegations from Mexico have visited the State Capitol to voice their opposition to the site, and;

WHEREAS: the La Paz Agreement between the United States of America and the Republic of Mexico, signed on August 14, 1983, directs that neither country establish facilities with a potential negative environmental impact within 100 kilometers of the international border, and;

WHEREAS: the taxpayers of the State of Texas will be liable for leaks, spillage, accidents and/or contamination of any sort at the proposed state-run facility in Sierra Blanca, and;

WHEREAS: the conference committee of the United States Congress and United States Senate stripped amendments that would create a three state compact and in fact will allow all fifty (50) states to dispose of their nuclear waste in West Texas, and



WHEREAS: the Texas Mexican American Legislative Caucus, as the body which represents issues pertaining to Mexican American communities, will not tolerate public policy which promotes environmental racism; and

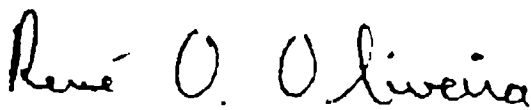
WHEREAS: the Governor of Texas has publicly stated that he would oppose the location of a low-level waste site in Hudspeth County if such site was shown to be unsafe and the Governor must keep his word to the people of Texas;

NOW, THEREFORE LET IT BE RESOLVED, by the Mexican American Legislative Caucus of the Texas House of Representatives that it officially opposes the placement of a low-level radioactive waste site in Hudspeth County, Texas;

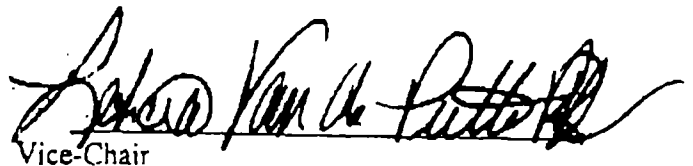
BE IT FURTHER RESOLVED, that the Mexican American Legislative Caucus of the Texas House of Representatives urges the Governor of Texas to recommend that his appointees on the Texas Natural Resource Conservation Commission abide by the recommendation of the administrative law judges and deny the application and permit needed to construct and operate the low-level radioactive waste site;

BE IT FURTHER RESOLVED, THAT a copy of this resolution be sent to all statewide elected officials in Texas; all members of the Texas House of Representatives and the Texas Senate; all members of the United States Congress and United States Senate; and the President and Vice-President of the United States of America.

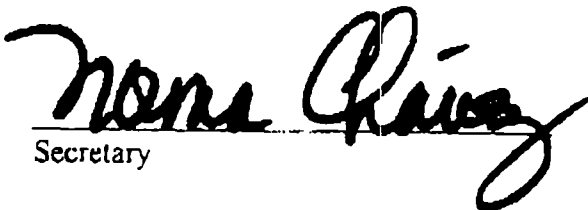
Signed this 1st day of August, 1998 by the officers of the Texas House of Representatives Mexican American Legislative Caucus.



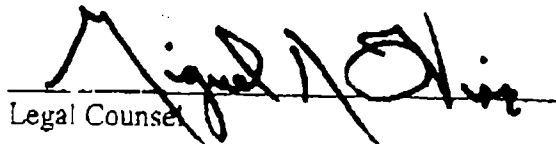
Chair



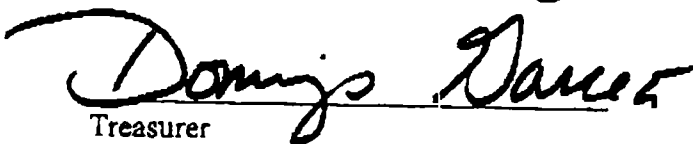
Vice-Chair



Secretary



Legal Counsel



Treasurer

Administrative Judges'
Recommendation
to Deny License

SOAH DOCKET NO. 582-96-1042

TNRCC DOCKET NO. 96-1206-RAW

APPLICATION OF TEXAS LOW LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY

STATE OFFICE OF ADMINISTRATIVE HEARINGS

CONTESTED PFD EXECUTIVE SUMMARY

The Texas Low-Level Radioactive Waste Disposal Authority (Applicant) has applied to the Texas Natural Resource Conservation Commission (TNRCC or Commission) for a license to construct, operate and ultimately close a commercial low-level radioactive waste disposal facility. The proposed disposal site is located approximately five miles southeast of Sierra Blanca in Hudspeth County, Texas.

ALJ's OVERALL RECOMMENDATION

The ALJs recommend that the applications for Radioactive Materials License No. RW 3100 and Water Quality Permit No. 03899 be denied, based on the Applicant's failure to adequately characterize the fault directly beneath the site and the Applicant's failure to adequately address potential negative socioeconomic impacts from the proposed facility.

NAMED PARTIES AND THEIR POSITIONS

The parties were designated and are aligned into seven groups as follows:

- (1) the Applicant (represented by Douglas G. Caroom and William D. Dugat III, attorneys), requesting issuance of license;
- (2) Proponents of the application, including Houston Lighting & Power, Texas Utilities Electric Co., and John French (represented by David C. Duggins and Richard L. Adams, attorneys), supporting issuance of license;
- (3) the SBLDF Group of Protestants, including Sierra Blanca Legal Defense Fund (SBLDF), Gloria Addington, Greenpeace Mexico, International Environmental Alliance of the Bravo, Edward Patrykus, Sierra Club-El Paso Group, Texas & Pacific Land Trust, and Alberto Torres (represented by David Frederick, attorney), opposing issuance of license;
- (4) the Government Group of Protestants, including Culberson County, City of El Paso, El Paso County, Municipio de Juarez, and Presidio County (represented by Norman J. Gordon, Thomas Keever, and Teresa Todd, attorneys), opposing issuance of license;
- (5) the West Texas Group of Protestants, including Border Environmental Network, Susan Curry, Patti Godbold, Donald Judd Estate, Gary Oliver, and Michael Wyatt (represented primarily by Richard Simpson), opposing issuance of license;

(6) the Public Interest Counsel of the TNRCC (PIC, represented by Colette Barron and Kathryn Price, attorneys), opposing issuance of license; and

(7) the Executive Director of the TNRCC (ED, represented by Elizabeth Bourbon, Madeleine Boyer, Arnoldo Medina, and Jim Bateman, staff attorneys), supporting issuance of license.

MAJOR CONTESTED ISSUES

Does the evaluation of those subjects that Sec. 401.112 of the Health and Safety Code directs the Commission to consider in making a licensing decision support granting of the application in this case?

Site suitability, geological, hydrological, and meteorological factors, and natural hazards.

Applicant, Proponents, & ED:

The site is appropriate based on these considerations. Based on an NRC definition identifying faults realistically capable of damaging movement, the inferred fault under the site is not capable, not having moved for more than 780,000 years. Other faults in the area have been appropriately characterized. The facility could withstand a reasonable worst-case earthquake and poses no threat to groundwater. The site is otherwise suitable.

Protestants & PIC:

The fault directly beneath the site has not been adequately characterized. The data are inadequate to show that the fault has not moved in geologically recent times, and basic features such as its length and trend are unknown. Other geological, hydrological, and meteorological information were also inadequate.

ALJ's RECOMMENDATION

The fault beneath the site has not been adequately characterized to determine whether it is connected with a capable fault off-site. The Applicant has also failed to adequately characterize the basic properties of this fault.

Land use compatibility and socioeconomic effects.

Applicant & Proponents:

The facility would be compatible with the predominantly agricultural use of surrounding land. The socioeconomic impact of the facility is a relatively insignificant issue; in any event, the facility would have a positive socioeconomic impact due to creation of local jobs and a host fee paid to Hudspeth County.

ED:

Disagrees with Applicant's characterization of the issue of socioeconomic impacts as "relatively insignificant"; nonetheless, concurs with Applicant that the overall socioeconomic

impact from the facility probably would be positive.

Protestants & PIC:

The facility would constitute a land use incompatible with the surrounding area and would have detrimental socioeconomic impacts on the region. Business development and tourism would suffer and property values would decline. The applicant failed to analyze these and other special impacts and unduly confined the analysis it did perform to Hudspeth and Culberson Counties. Environmental justice concerns have not been adequately addressed.

ALJ's RECOMMENDATION

The Applicant has failed to adequately address potential local and regional socioeconomic impacts such as economic growth that might be foregone, adverse impacts on tourism, and social impacts such as those related to perceptions of unfairness in the siting process or perceived changes in the quality of life in the area. The evidentiary record raises these issues as serious concerns but provides no avenue for meaningfully analyzing them.

Need and alternatives.

Applicant, Proponents, & ED:

The Legislature has determined that the facility is needed as a matter of law. There is also an objective need for the facility, because the only existing facility that can accept most low-level waste cannot reasonably be relied upon to meet long-term disposal needs. Alternatives such as above-ground storage and other disposal technologies compare unfavorably to the proposed facility.

Protestants & PIC:

The Commission must consider the existence of need for the facility, which has not been statutorily or objectively established. The proposed facility would use technology similar to that of other below-ground disposal facilities, all of which have leaked. Another technology, such as assured storage, should be used.

ALJ's RECOMMENDATION

There is a need for the facility, in that the only other facility currently available to dispose of much of the projected waste stream cannot be relied upon to meet long-term disposal needs. No preferable alternatives to the proposed facility have been established.

Other considerations.

Section 401.112 of the Code lists fourteen additional categories of subject matter that the commission must consider. All are to some extent disputed and are addressed in the PFD. The ALJs conclude that the applicant has provided reasonably persuasive evidence supporting its contentions on these issues.

Does the application satisfy the performance objectives derived from the Commission's rules?

Applicant, Proponents, & ED:

Yes. Public exposure from the facility would be well below regulatory limits and would be maintained as low as reasonably achievable. The million-curie limitation should be deleted from the license and replaced with a dosage limit verified by annual updates to the performance assessment.

Protestants & PIC:

No. Confusion over the million-curie maximum limitation renders the performance assessment inadequate. Additionally, the applicant has not adequately assessed non-radiological impacts or the impacts of reasonable worst-case accident scenarios.

ALJ's RECOMMENDATION

If the Commission approves the application, the draft license should be modified to clarify that the facility could accept waste containing a total of no more than 1 million-curies of radioactivity over the 20-year license term. With this clarification, the performance assessment, including the consideration of non-radiological impacts and accident scenarios, is adequate.

Official challenge dump report

DALLAS MORNING NEWS

Associated Press

AUG. 20, 1988

EL PASO — Radioactive waste disposal officials prepared a lengthy document Wednesday challenging the findings of two state licensing examiners who opposed licensing a proposed West Texas dump.

The document was to have been filed at day's end with the state environmental agency. The report targets findings that disposal officials failed to adequately study a fault beneath the proposed site and to adequately address the dump's potential negative socioeconomic impacts.

"The information is there [in testimony before the examiners] that we have adequately studied the fault and that the socioeconomic study was entirely adequate," said Lee Mathews, general counsel for the Texas Low-Level Radioactive Waste Disposal Authority.

The examiners, who heard months of testimony on the site, concluded in July that the Texas

Document targets examiners' findings

Natural Resource Conservation Commission should not license the dump proposed in Sierra Blanca, 90 miles southeast of El Paso.

The facility, which is opposed by many West Texas residents and environmental groups, would hold tons of radioactive waste generated by state utilities, hospitals and universities.

The U.S. Senate is also expected to vote next month on a compact that would allow Maine and Vermont to ship their low-level waste to Texas. The House has already approved the agreement.

Mr. Mathews said the disposal authority will have a chance to argue its position in the coming months before the conservation commission.

Dump opponents will also have an opportunity to respond.

The conservation commission can decide whether the authority's arguments support overruling the examiners' nonbinding recommendation and vote for the license. They can agree with examiners and deny the license. Or they can have the examiners gather more evidence and testimony.

Disposal authority spokeswoman Adriana Rhames said her agency is already conducting further studies on the site fault as a result of the examiners' findings.

She said the authority is gathering the information in case it is requested. The agency cannot submit it otherwise.

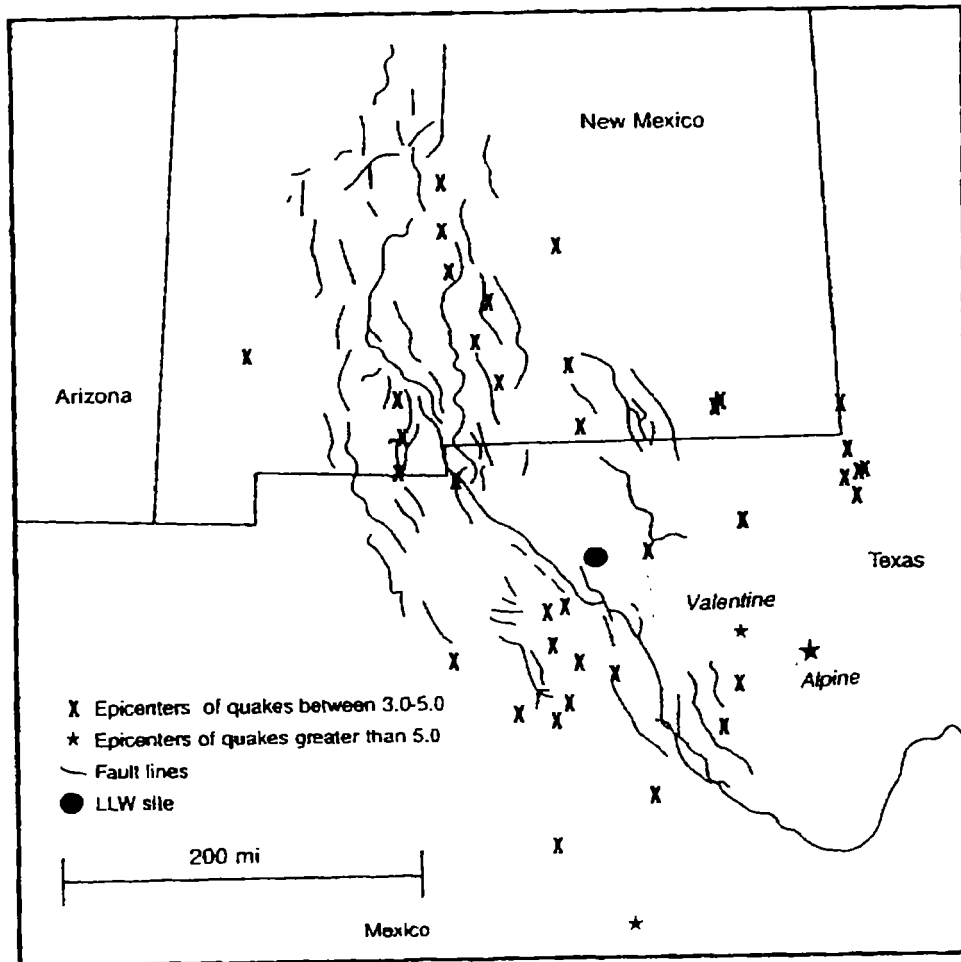
Geology of Sierra Blanca Site

Map of Earthquake fault lines in West Texas
Seismic Activity

4

Earthquakes (1923-1998)

Since 1923 **64** earthquakes with magnitudes of 3.0 or greater have been documented within 200 miles of the proposed Sierra Blanca low-level radioactive waste site (markers may indicate multiple earthquakes).



Sources: The Texas Low-Level Radioactive Waste Disposal Authority

Geology of the Sierra Blanca Site

- ⊗ 64 earthquakes with magnitudes of 3.0 or greater have occurred within 200 miles of the proposed site in the last 70 years. The proposed site is directly on top of a buried fault.¹
- ⊗ The proposed site lies within the Probably Maximum Flood Plain of Grayton Lake which overflows into Red Light Draw, which could direct water to the Rio Grande.
- ⊗ The proposed site lies over the West Texas Bolson-an aquifer stretching from the Rio Grande to east of Van Horn.
- ⊗ Soils at the site are 70% bare and are susceptible to high rates of wind and water erosion.²

¹ Appendix 2.2-2 Texas Low Level Radioactive Waste Disposal Authority *License Application*.

² Tables 3.3.1-3 to 3.3.1-6 in TLLRWDA *License Application*

Seismic Activity

Date	Intensity/ Magnitude	City	Remarks	Sq.Km
October 22, 1882	VII	Arkansas/felt in Sherman		375,000
May 3, 1887	/7.4	Sonora/felt in El Paso	Felt as far north as Albuquerque and as far east as Fort Davis	
Jan 8, 1891	VII	Rusk, Texas	Towns along a northeast-southwest line felt tornadoes and storms	
March 28, 1917	VI	Panhandle, Texas	Children evacuated from a school building	
July 30, 1925	V	Panhandle, Texas	Shocks felt from Roswell, N.M., to Leavenworth, Kansas	518,000
Aug 16, 1931	VIII/ 6.4	Valentine	Heavy damage to many buildings	647,000
Aug 18, 1931	VI/ 4	Valentine	Intensity V aftershocks felt	
April 9, 1932	VI	Mexia-Wortham	Slight damage to buildings	
June 19, 1936	V	Panhandle, Texas	Damage reported and felt as far off as Oklahoma and Kansas	103,000
March 11, 1948	VI	Panhandle, Texas	Shocks felt from Amarillo to Perico and Perryton	129,000
June 20, 1951	VI	Panhandle, Texas	Minor damage in Amarillo, and felt from Lubbock to Borger	
July 20, 1966	V/ 4.8	Panhandle, Texas	The magnatude 4.8 earthquake knocked books from shelves	
August 14, 1966	VI/ 3.4	Kermit	The quake's shock was felt in Wink and Loco Hill, N.M.	
May 12, 1969	VI/ 3.4	El Paso	Two shocks, which came 23 minutes apart, caused minor damage	
February 15, 1974	V/ 4.5	Panhandle, Texas	The 4.5 shock was felt from Oklahoma to Kansas	37,000
October 1985	/8	Mexico City, felt in El Paso	Heavy damage, buildings collapsed, fatalaties	
July 20, 1991	/3.6	Falls City		
January 2, 1992	/4.5	Midland	Slight damage reported	
August 10, 1992	/2.8	Jourdanton		
April 9, 1993	/4.3	Fashing	Some aftershocks and slight damage	
Sept 27, 1994	/2.5	West of San Antonio		
January 4, 1995	/2.5	Hallettsville		
April 14, 1995	/5.7	Alpine	Some damage and aftershocks	
Nov 12, 1995	/3.6	Alpine		
March 24, 1997	/3.8	Alice		
May 31, 1997	/3.4	Commerce		

Source: United States Geological Survey National Earthquake Information Center

[illegible]

[adapted from Texas License Application, Fig.1.3-1, "Generalized Facility Layout"]

Environmental Racism

5

AN ANALYSIS OF PUBLIC OPINION ON
LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
IN SELECTED TEXAS COUNTIES

Prepared by:

David B. Hill, Ph.D., Principal Investigator
and
James A. Dyer, Ph.D.

Public Policy Resources Laboratory
Texas A&M University System
College Station, Texas 77843

Prepared For:

Texas Low-Level Radioactive Waste Disposal Authority
1300-C East Anderson Lane, Suite 175
Austin, Texas 78752

April 1984

FOREWARD

This poll was conducted to evaluate the public's assumed and perceived risks of low-level radioactive waste disposal in certain counties that have been selected as likely candidates for a low-level radioactive waste disposal site. The Public Policy Resources Laboratory at Texas A&M University that prepared this report was established by the Texas legislature to assist state officials in formulating policy issues. The work presented in this report will be used in part to assist the Authority's Board of Directors to decide which methods of disposal will be most accepted by the public.

An extensive appendix of raw data from the poll is not being published as a part of this report. It is available for review at the Authority's office in Austin.

ACKNOWLEDGEMENTS

This project was conducted by the Public Policy Resources Laboratory of Texas A&M University. Staff members of the Public Policy Resources Laboratory assisting the authors in preparation of this report were Frank N. McMillan, Mark A. Stubbs, Teri Wilson, and Kay Claybourn. The authors also wish to express appreciation to Lawrence R. Jacobi, Jr. and other staff members of the Texas Low-Level Radioactive Waste Disposal Authority. Their cooperation in conducting this study was invaluable.

6.0 SUMMARY AND RECOMMENDATIONS

This survey of public opinion has demonstrated deeply felt and widespread opposition to the location of a low-level radioactive waste disposal site in the twelve counties under consideration. Respondents believe that their counties are unsuitable sites and that safe disposal technologies do not exist. Many believe that the technology will never exist. Respondents' fears stem from beliefs that wastes will contaminate the environment now and in future generations, causing cancer and other public health problems. These deeply seated fears and concerns are found in every segment of the population: male, female, young, old, anglo, Hispanic, high and low socio-economic status.

Given the depth of opinion holding on this issue, it is doubtful that any public information campaign can reverse the tide of opposition discovered by this study. Nevertheless, the Authority may wish to use the findings of this survey to develop strategies for bringing about modest changes in the opinions discussed in this report. Furthermore, the survey suggests several factors that should be considered in developing a plan for management of the disposal site.

The findings of this survey suggest that a broad-based public information campaign designed to familiarize the general public with all aspects of waste disposal siting may prove to be detrimental inasmuch as we have found that persons with the greatest perceived knowledge of this subject are also most opposed to a site in their county. A preferred methodology may be to develop public information

campaigns targeted at special populations. One population that might benefit from such a campaign is Hispanics, particularly those with little formal education and low incomes. This group is the least informed of all segments of the population. On some questionnaire items, Hispanics were almost as likely to answer "don't know" as to give any substantive response. The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition.

Another group that the Authority may wish to target in its public information efforts is the college educated segment of the population. While college educated persons are generally more familiar with this issue than less educated persons, the college educated tend to be more uncertain in their views on the suitability of their county for a disposal site and whether they support or oppose a site in their county. In short, the better educated seem to be able to simultaneously process and hold positive and negative views about low-level radioactive wastes, thus moving them toward the undecided category. On the other hand, the less educated that hold negative views about waste disposal are likely to engage in a psychological process (known as "perceptual screening") whereby information is received and retained only if it is consistent with preexisting beliefs. All positive information about waste disposal will be quickly disregarded. Thus, among the less educated, a public information campaign by the authority is likely only to strengthen and reinforce opposition.

The survey did not identify many issues which can be profitably emphasized in a public information campaign. The public seemed to find little in a waste site that served self-interests. Several possibilities exist, however. Persons that do support nuclear medicine are somewhat less opposed to a site (although those who have used nuclear medicine are not). Therefore, there may be some advantage in stressing the importance of nuclear medicine and the waste this produces. It would also seem prudent to address the belief that science will never develop safe disposal technology, a view held by one-half of those interviewed. This rather pessimistic view may be discredited with an effective communications program.

A more positive view of the possibilities for the development of safe disposal technologies should be engendered by the use of medical doctors and university faculty scientists as public spokesmen for the authority. The substantial public trust vested in physicians and professors should figure decisively in public information campaigns. Whenever possible, the authority should speak through these parties.

And when decisions are made regarding the management of the disposal site, the Authority should support state agency management because of the relatively great trust vested in the state vis-a-vis other possible managers. Under no circumstances should the operation of the site be leased to a business enterprise or there is likely to be substantial public opposition.

1.0 SUMMARY OF MAJOR FINDINGS

1.1 Conduct of the Survey

At the request of the Texas Low-Level Radioactive Waste Disposal Authority, the Texas A&M University Public Policy Resources Laboratory conducted a telephone survey of 998 persons residing in twelve Texas counties under consideration for a waste disposal site.

1.2 Attitudes Toward Waste Disposal

- A. Eighty percent (80%) of those surveyed oppose the location of a low-level radioactive waste disposal site in their county.
- B. Survey respondents have a great fear of low-level radioactive wastes:
 - 1. Fifty-three percent (53%) said wastes are one of the most serious threats facing the world.
 - 2. Only 50% believe that science can develop safe disposal technologies.
 - 3. Living near a waste disposal site is perceived as being nearly as dangerous as living near a nuclear power plant.
 - 4. In order to feel safe, respondents need to live 80-100 miles from a disposal site.
 - 5. Respondents fear that a disposal site will contaminate the environment and create health hazards including cancer, radiation sickness, and birth defects.

1.3 Site Planning and Management Issues

- A. Respondents trust physicians and university professors for advice on managing low-level radioactive wastes. They do not trust the news media or businessmen.
- B. State officials are trusted by a majority (57%) of those surveyed to manage Texas' waste disposal site. Private business is not trusted. The public does think that management of the disposal site is an important issue.

1.4 Group Differences in Attitudes

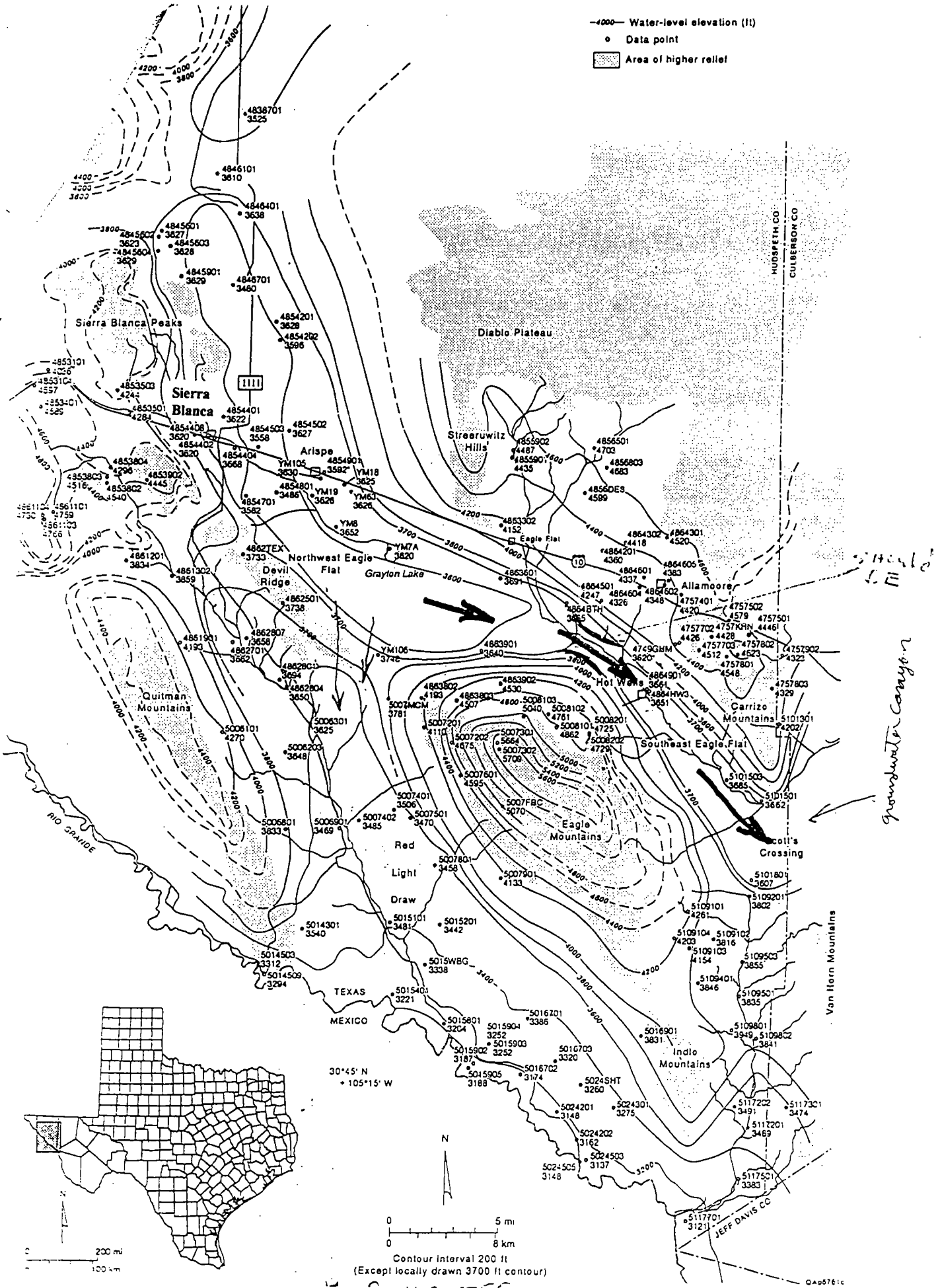
- A. College educated persons are more likely than other groups to say they are undecided on whether they support or oppose a waste disposal site in their county.

- B. Hispanics are more likely than Anglos to be undecided on the establishment of a site in their county.
- C. Persons who think they know the most about radioactive waste disposal are the most strongly opposed to siting in their county.
- D. Residents of Hudspeth county are slightly more favorable to the location of a site in their county than are residents of the other eleven counties.

Threat of Contamination to Future Water Sources

El Paso, Sierra Blanca & West Texas

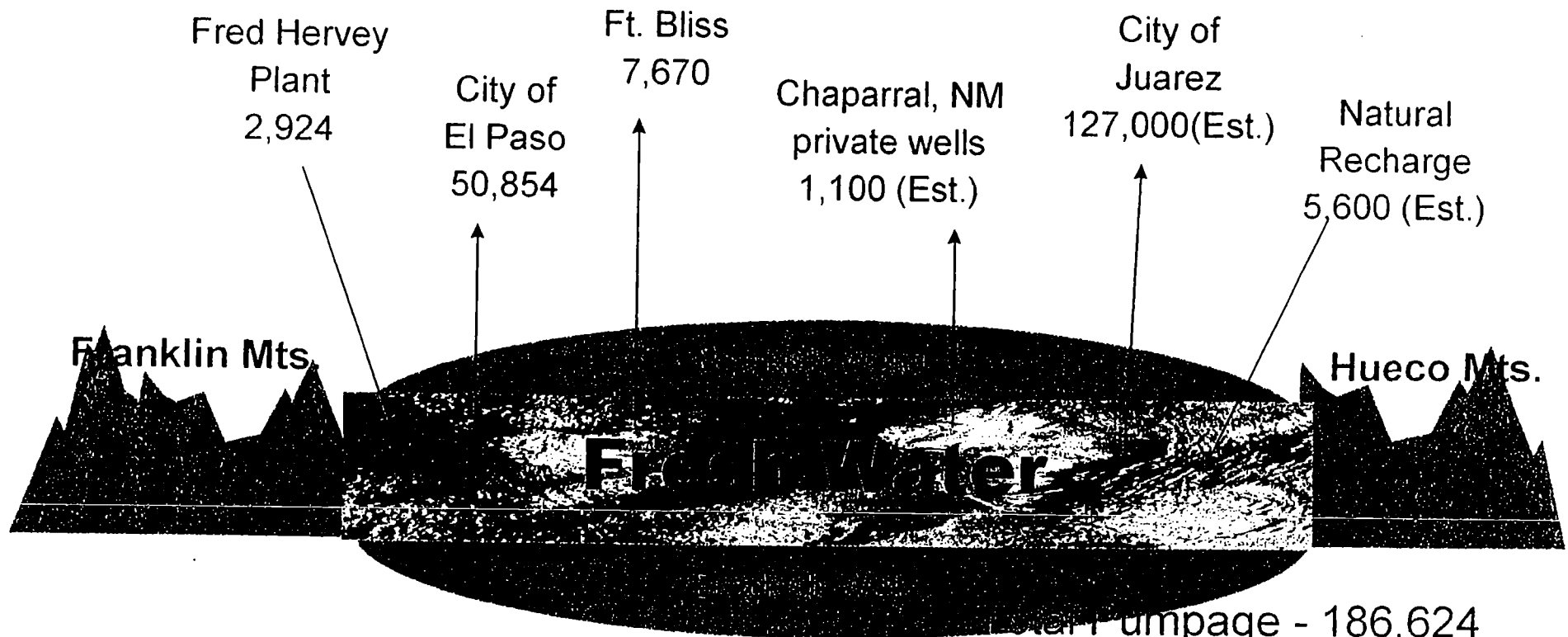
-4000- Water-level elevation (ft)
 • Data point
 [Stippled Area] Area of higher relief



997 HUECO BOULDER WATERSHED

AND RECHARGE

(Acre Feet)



Water Pumpage - 186,624

Total Recharge - 8,524

Deficit - 178,100

History

Previous attempts to locate a dump in
Texas
Newspaper Articles

History

- ⊙ The Texas Low-Level Radioactive Waste Disposal Authority was created in 1981, and a study of the state was completed in 1984.
- ⊙ Previous attempts to locate a dump in Texas
 - 1985 McMullen County (70 miles south of San Antonio). Site review was halted by former Governor Briscoe based on concerns of possible contamination of groundwater.
 - Another site in Hudspeth County near Fort Hancock (northeast of I-10), which is state-owned land, was blocked by a lawsuit by El Paso. The city considered the Fort Hancock site within El Paso's growth area (50 miles from downtown El Paso). The lawsuit involved the Legislature and Governor Ann Richards in March 1991. The Board of Directors of the Authority was advised to abandon the Fort Hancock site and seek an alternate site within Hudspeth County.
- ⊙ Sierra Blanca site was designated by the Texas Legislature in August 1991.
 - U.S. Congressman Coleman (D-16) postponed and delayed the bill during the 1993-1994 Congressional session.
 - In 1995 the Compact Bill was defeated 243-176 in the US House
 - In September 16, 1995 George Bush lobbied to re-introduce the bill with a Compact Coalition of the Office of the State Federal Relations: Advocates for Responsible Disposal on Texas; the Houston Lighting and Power; Texas Utilities from Dallas; Maine and Vermont Yankee Atomic Power. It was successful in 1996.
 - In October 1997, it passed the House with amendments to limit the waste to that of Maine and Vermont only.
 - In February 1998, it passed by voice vote in the Senate with another amendment which gave citizens the right to sue.
 - In July of 1998 the bill was stripped of the amendments basically making it a money making-venture. The Senate will vote on it after they return to session on Sept 2, 1998.
- ⊙ Point of interest: MERCO is already dumping from 250 to 400 tons daily of New York City Sewage sludge on about 91,000 acres out in Sierra Blanca. It is the largest sludge dump in the world.

Bangor Daily News



491 Main Street, Bangor, Maine 04401

ACCESS NUMBER 195540
NEWSPAPER BANGOR DAILY NEWS (BANGOR, MAINE)
DATE 05/26/93
HEADLINE Texas governor receives N-site bill
Maine may send waste to Texas
BYLINE/CREDIT (AP)
STORY LENGTH 10
KEYWORD-HIT.

AUSTIN, Texas -- Lawmakers on Tuesday sent Gov. Ann Richards a bill that would allow Maine and Vermont to dump radioactive waste in western Texas. An aide said Richards likely would sign it into law.

"We support that bill," said Chuck McDonald, a spokesman for the governor.

In Maine, meanwhile, the Legislature's Energy and Natural Resources Committee scheduled a June 2 hearing on a bill to endorse the compact and authorize a statewide referendum on whether it should be adopted.

The compact would also require congressional approval, said spokeswoman Diane Jackson of the Maine Low-Level Radioactive Waste Authority.

The Texas Senate accepted House amendments to the measure that approves a compact agreement between Texas and the two New England states, then gave the bill its final legislative OK on a voice vote.

Under the agreement, Texas, Maine and Vermont could dump low-level radioactive waste at a site in Hudspeth County, about 90 miles east of El Paso. Maine and Vermont each would be charged \$25 million.

Federal law requires all states generating low-level radioactive waste to dispose of it either by constructing a facility of their own or entering a compact with other states.

Backers of the bill say this is a defensive move that will prevent Texas from having to take waste from other states.

But several environmental groups had urged Richards to veto the bill, saying Texas shouldn't be a dumping ground for other states.

McDonald said approval of the compact is a positive move for Texas.

"A number of good things happened on that bill," he said. "There was a concerted effort made to include a larger state, and we didn't want that."

"This will get us into compliance with the federal law, and now we will have a compact and we will not be required to take waste from any big state," he said.

Maine's Radioactive Waste Authority has listed six sites as potentially suitable for dumps. But the panel has also voted to discontinue its search if the Texas compact receives final approval.

Two of the Maine sites are in Somerset County, two are in Penobscot County, one is in Kennebec County and one is at the Maine Yankee atomic plant site in Wiscasset.

END OF STORY REACHED

Bangor Daily News

491 Main Street, Bangor, Maine 04401



ACCESS NUMBER

195693

NEWSPAPER

BANGOR DAILY NEWS (BANGOR, MAINE)

DATE

05/27/93

HEADLINE

Commission favors nuclear-waste pact
Legislature to discuss Texas compact

BYLINE/CREDIT

Glenn Adams (AP)

STORY LENGTH

12

KEYWORD-HIT.

AUGUSTA -- Maine took its first step Wednesday toward ratifying a compact allowing it to dump low-level radioactive waste in western Texas.

The Maine Advisory Commission on Radioactive Waste voted unanimously to recommend the compact's approval by the Legislature, which takes up the matter in the days ahead, and voters, who would have to decide on it in November.

The vote came after some anti-nuclear activists pleaded with the commission to slow down and allow more time for public comment and review.

But commission members said they must move quickly in advance of a public hearing on the compact next Wednesday before the Energy and Natural Resources Committee, which in turn will make a recommendation to the full Legislature.

Gov. John R. McKernan's bill authorizing the compact is cosponsored by all of the legislative leaders from both parties as well as the co-chairmen of the energy committee.

Officials for Maine's largest generator of low-level waste, the Maine Yankee atomic plant, also strongly support approval of the Texas compact, said the plant's Leann Diehl.

Diehl said such a compact was the company's top choice, followed by an alternative plan to build a repository at the plant site in Wiscasset.

The compact allowing Maine and Vermont to send low-level waste to Texas would also have to be approved by Congress. If the deal is approved, the two New England states will no longer have to search for suitable dump sites within their own borders.

The Texas Senate earlier this week sent Gov. Ann Richards a bill to authorize the compact, which would bring all three states into compliance with federal law. Richards is expected to sign the bill.

Maine and Vermont each would be charged \$25 million for the right to dump low-level waste, which does not include spent nuclear fuel, at the site about 90 miles east of El Paso. Most of Maine's \$25 million would be paid by Maine Yankee ratepayers.

Even before the Maine Legislature takes up the issue, a group called Maine Citizens Against Nuclear Dumps is vowing to lead a

Bangor Daily News

491 Main Street, Bangor, Maine 04401



campaign against voter approval of the compact.

Group leader Philip Merletti said Texas may be moving too swiftly on the compact before it fully understands the dump's potential environmental implications.

Merletti also represents dump opponents from a Texas community near the proposed site.

State Rep. Maria Glen Holt, also an outspoken critic of nuclear power and radioactive waste disposal policies, said she would feel safer if Maine kept its radioactive waste rather than dumping it in Texas.

"It's another way of sweeping it under the rug," said Holt, D-Bath.

Maine has spent about \$10 million on its search for a site for a nuclear waste dump.

****END OF STORY REACHED****

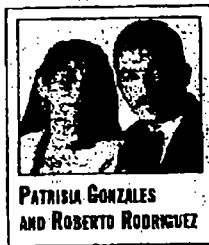
Even in the desert, nuclear dump's a danger

Hundreds of people completed a four-day desert march in August heat from their border cities of El Paso and Juarez, Mexico, to Sierra Blanca, Texas, 90 miles away. It was not a pilgrimage; it was a protest. Unless Texas Gov. George Bush intervenes, this small tumbleweed town could become home to the latest national nuclear waste dump.

Sierra Blanca is already the site of the nation's largest sewage dump, where, weekly, 250 tons of semi-treated New York sludge is spread across the mountain range as twisted "range land revitalization." New York had to stop dumping its sludge in the Atlantic because it was contaminating the ocean.

From Washington, D.C., or even the state capital of Austin, the 90 miles between El Paso and Sierra Blanca no doubt seems to be a safe distance in the event of nuclear contamination. Yet marchers, under the banner of Operation Backbone, left their footprints in the desert sand—on both sides of the border—because 90 miles is not a safe distance when speaking of water and a dump that would contain nuclear waste with a radioactive life of hundreds of thousands of years.

Texas State Rep. Norma Chavez, D-El Paso, who partook in the march, said that if the nuclear waste



PATRICIA GONZALES
AND ROBERTO RODRIGUEZ

were to contaminate the precious water beneath Sierra Blanca, it would spell an environmental and nuclear nightmare for the nearly 3 million people who live in the cities of El Paso and Juarez—communities that will eventually depend upon the water underneath the proposed site. "The bottom line is that it's not safe. It's a threat to the environment," Chavez said.

The proposed dump lies on top of a confirmed seismic fault with a potential for a major earthquake. The irony of this impending environmental disaster is that it's a "run from and for the border." At first, it will involve bringing nuclear waste from the U.S.-Canadian border to within 16 miles of the Rio Grande and the U.S.-Mexican border. The placing of nuclear waste within 100 kilometers (60 miles) on either side of the U.S.-Mexican border is also in clear violation of the 1983 La Paz Agreement, said Chavez. The

agreement calls for both countries not to contribute to pollution along the border.

While the nuclear industry likes to guarantee the impossibility of spillages and contamination, opponents point out that the six other nuclear waste dump facilities in the country are fraught with major problems. One site in Kentucky has been designated by the EPA as a "Superfund" site—meaning the government will have to sink many millions of dollars into cleaning up the contamination.

Initially, the agreement to bring the nuclear muck to this part of Texas was supposed to involve nuclear waste only from Vermont and Maine. Now, due to congressional shenanigans, the facility might have to accept waste from the entire country. Opposing the location are the Texas Democratic Party, the state's Mexican-American Legislative Caucus, 20 counties and 13 cities in Texas, five states, two cities in Mexico and the Mexican Congress.

Opponents of the dump believe that a final decision by Gov. Bush will not be made until after the November elections. However, they have given him until Sept. 15 to affirm the decision of the two state administrative judges who recommended denying a permit for the dump. (After several months of

hearings, the judges cited geological dangers and environmental racism as problems with the site.) The Sept. 15 deadline, according to Carlos Gallinar, a student at the University of Texas at El Paso and a march organizer, is a "citizen's deadline for Bush to come out against the dump."

The governor and potential presidential contender is on record saying he would oppose the site if it is shown to be unsafe. The decision to affirm the judges' ruling is actually up to Bush's appointees at the Texas Natural Resource Conservation Commission.

Mexico's Congress is particularly sharp in its criticism, believing that the dump and the decision to ignore the La Paz Agreement is both a racial matter and an affront to the national dignity of the Aztec nation.

Much of the impetus for the Aug. 6-9 march came from young students who grew tired of having their communities stepped upon and neglected by both state and federal government. College student Melissa Barba said their action was named Operation Backbone "so as to put a spine into El Paso."

Gonzales and Rodriguez write on Latino issues and live in New Mexico. Distributed by Universal Press Syndicate.

DESERT DUMPING GROUND

Critics blast site selection for nuclear waste landfill

BY RUSSELL GOLD
EXPRESS-NEWS STAFF WRITER

SIERRA BLANCA — At sunset April 13, 1995, the West Texas earth began to move. The earthquake — which measured 5.7 on the Richter scale — was the strongest in the state in 60 years. Gas lines ruptured near the epicenter in Alpine. Far away in San Antonio, air traffic controllers felt their tower sway.

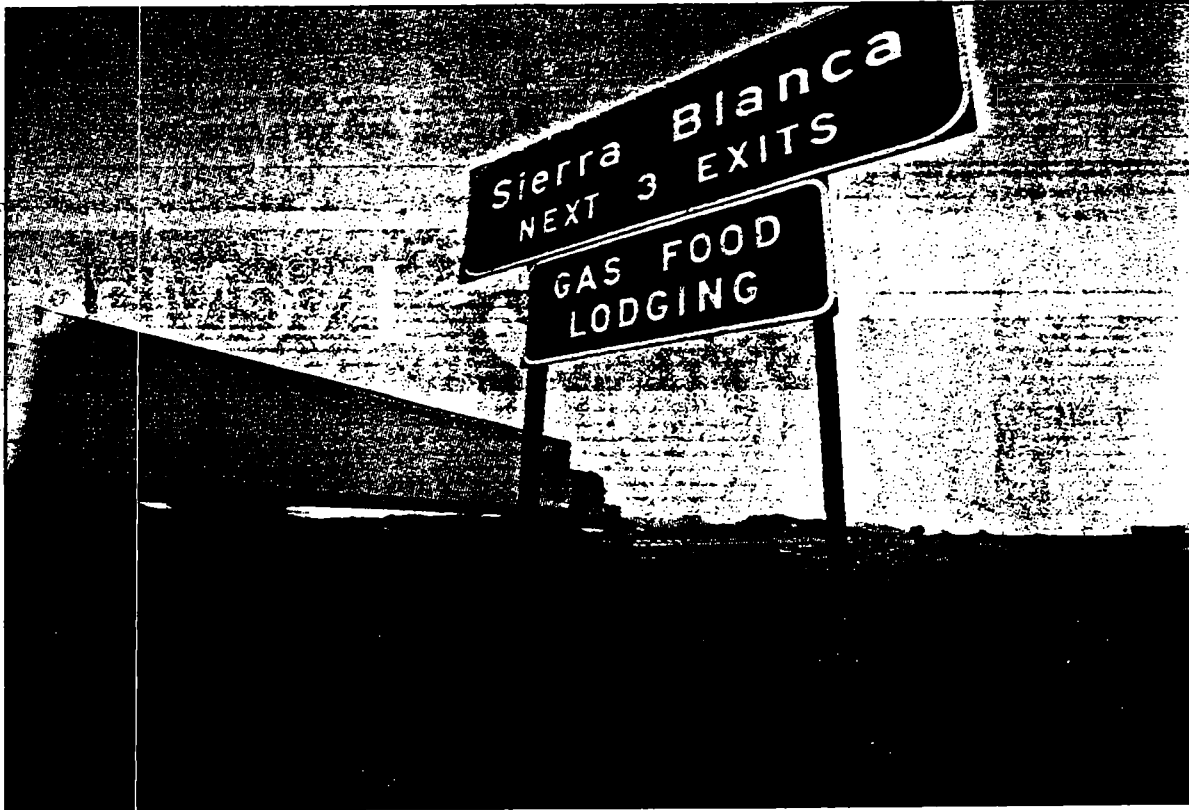
In the small town of Sierra Blanca, about 100 miles northwest of Alpine, buildings rocked and the water in the town's only swimming pool sloshed over the rim.

It is in this unpredictable earth, five miles outside Sierra Blanca, that Texas plans to bury enough low-level radioactive waste to fill the floor of the Alamodome 7 feet deep.

Sierra Blanca was not the first choice of scientists for the proposed dump, but it was a convenient political solution to a long, frustrating search.

Waste from all over Texas could be trucked in and stored here above a rift in the earth's crust. A sliver of the state from El Paso to Big Bend National Park lies on the rift and is far more prone to earthquakes than the rest of the state.

Texas Low-Level Radioactive Waste Disposal Authority scientists and engineers said they believe they have designed a landfill that would withstand any tremor, as well as seeping rainwater, erosion and burrowing animals.



RICK HUNTER/Staff

A truck races west on Interstate 10 toward Sierra Blanca. A site near the West Texas town has been selected for a large, low-level radioactive waste dump.

SIERRA BLANCA THE DUMPING GROUND

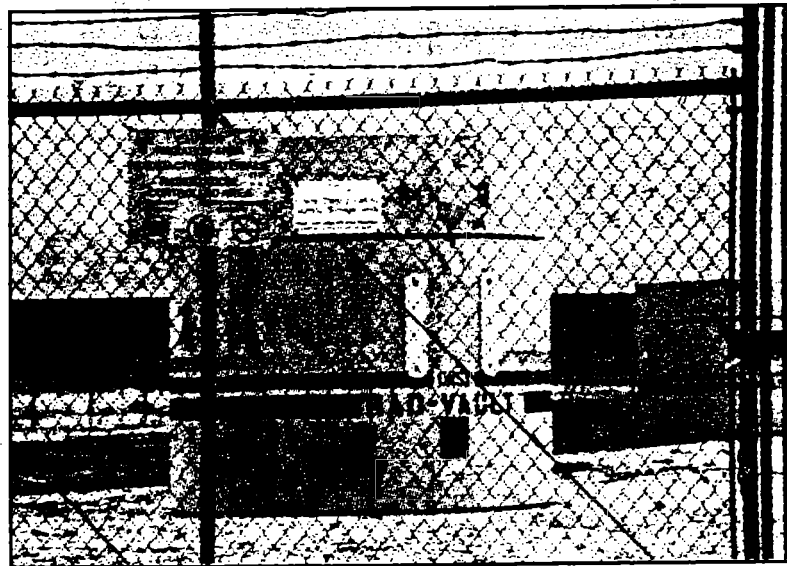
TODAY Radioactive waste dump planned for earthquake-prone West Texas

MONDAY How science took a back seat to politics in selecting Sierra Blanca dump site

TUESDAY Nuclear power industry pushes for a dump as the need shrinks

The waste would be entombed in steel-reinforced concrete containers placed underground and covered with a thick cap of compacted soil and concrete.

Critics of the plan said the
■ See DUMP/12A



TOM REEL/Staff

Cement containers of radioactive material from the South Texas Project nuclear plant wait to be hauled to a dump

Dump near Rio Grande rift fuels division

■ Continued from 1A

design is based on too many untested theories and unanswered questions to risk putting a radioactive dump five miles outside a town of 700 people and 18 miles north of the Rio Grande.

"And why, they asked, would Texas choose a site in a region with a history of earthquakes.

A six-month San Antonio Express-News investigation revealed the decision to locate the dump in Sierra Blanca was laced with incidents of politics overriding scientific judgment.

For example, a statewide search for a site that had narrowed on South Texas was discarded when a Laredo legislator intervened in 1987. A political compromise was struck four years later, limiting the authority to a 400-square-mile box that runs up against Sierra Blanca's outskirts.

With many possible properties in the box, the authority picked the 16,000-acre Faskin Ranch without testing the soil or groundwater depth.

Ron Coleman, a Democrat who represented West Texas in Congress from 1982 to 1996, said he believed the entire process was designed to force the dump into Hudspeth County.

"That was the road of least political opposition. There were less people and less state representatives," he said. "A political decision was made about siting.... I'm not angry about it, I just understand the politics, and again I just don't think politics is how you should site something that could be dangerous."

The proposed Sierra Blanca dump, which would be the first state-owned and operated nuclear-waste landfill in Texas, could be licensed by the end of the year if the Texas Natural Resource Conservation Commission determines the proposal is sound. It could accept waste a year later.

Administrative hearing judges are studying the dump plan, detailed in a 29-volume license application. They have not issued any findings.

Rick Jacobi, general manager of the state radioactive waste agency, said Sierra Blanca is a dry, desert area with deep groundwater — perfect for the long-term disposal of radioactive waste.

Criticism has come from uninformed people with a knee-jerk opposition to nuclear power, he said.

"We selected the site because it was geologically suitable. It is a safe place for the facility," he said. "It is going to be the best-operated facility in the world."

But a coalition of Sierra Blanca residents and environmental advocates said the authority is not up to the job.

"You've got an agency that has never run so much as a municipal solid-waste landfill, and it is now going to operate a radioactive-waste landfill," said David Frederick, a lawyer for the Sierra Blanca Legal Defense Fund.

"I don't know what the accident or mistake will be, but it just seems to me highly likely that there are going to be mistakes made the first time," he added.

Most of the material destined for the proposed dump will come from nuclear power plants. Federal law prohibits the most

radioactive components, spent fuel rods, from being put in a low-level waste landfill. But irradiated filters and resin, some contaminated with small but long-lasting amounts of plutonium and cesium, will be sent to Sierra Blanca.

The prospect of a nuclear dump close to the international border has angered Mexican officials, who have gone on hunger strikes and passed Senate resolutions condemning the plan.

The debate over whether the proposed dump could withstand earthquakes, rain and erosion over centuries has split the residents of Sierra Blanca.

Sitting in his white pickup in front of the adobe Hudspeth

County Courthouse, Sonny Neely said he believes the site will be safe.

"After one of these pits is covered over, I would have no qualms about pitching my tent and living over it," he said.

A few blocks away, resident Veronica Aispura said she worries the promises she hears are hollow.

"They're not in charge of Mother Nature. If God says there is going to be an earthquake, it will rattle the pipes and break something," said Aispura, 44. "There is no way it can be 100 percent safe."

As family ranching disappears, Sierra Blanca carries on as a gas and food stop for travelers on Interstate 10. The town has two paved roads, and no political muscle in state affairs.

It is easy to understand why many residents feel they are being dumped on. Since 1992, New York City has sent its sewage sludge 1,800 miles to a ranch north of town where it is spread across the flat landscape.

A rift in the desert

Texas can be divided into four earthquake regions. The smallest and by far the most seismologically active is the Rio Grande rift — running from El Paso to Big Bend National Park along the border.

"The western part of Texas is the highest activity area," said Cliff Frohlich, a geophysicist at the

■ See page 13A

■ Continued from 12A

University of Texas at Austin. "The two biggest earthquakes in Texas history — both are out there in West Texas along the Rio Grande."

The two largest were a 1931 earthquake in Valentine that registered 6.0 on the Richter scale and the 5.7 tremor in nearby Alpine in 1995.

Radioactive waste authority scientists have not been able to determine whether a fault exists under the proposed disposal site. If one is there, the license application states, the fault is not active.

The radioactive waste authority said it has designed a landfill that would withstand a destructive 6.0 earthquake. Even so, agency experts said they believe such a tremor is unlikely. A state study of the area concludes there is no valid threat of a severe earthquake, Jacobi argued, despite the existence of two large active faults 20 miles from the proposed dump.

"There are known fault zones, there are known zones of stress and you can identify where you are more likely going to have earthquakes, and we just don't see that in the Eagle Flat basin (the proposed dump site)," said Jacobi. "We don't see stress zones. We don't see recent zones of rupture, we don't see anything that would indicate an earthquake is going to occur."

But a separate study paid for by opponents of the site asserted the area is surrounded by active faults and noted that fissures can appear overnight.

Marvin Resnikoff, a physicist who studied the proposed dump for the Sierra Blanca Legal Defense Fund, agreed the chance of a catastrophic earthquake decimating the facility is small.

"But smaller earthquakes can crack the containers and create pathways to the waste and pathways for water," he said.

A history of nuclear leaks

Six of seven low-level radioactive dumps in the United States have leaked. The seventh, the privately run Envirocare landfill in Utah, has accepted low-level waste since 1994 without incident.

Engineers in Sierra Blanca hope to make the next generation of landfills as tight as a vault, leaving leaks a part of industry history.

Bob Reedy, a researcher with the Bureau of Economic Geology at the University of Texas at Austin, is part of that effort.

He has spent most of the past year at the proposed dump site, often sitting on a cooler that doubles for a chair in front of his computer, which is 12 feet underground.

Reedy, whose work is funded by the authority, said he wants to know what type of surface barrier will "prevent rainwater from getting to the stuff."

Water seepage easily could carry radioactive material past the confines of the dump, he said.

To reduce the chance of a radioactive leak, the Texas dump would require all liquid waste be mixed with cement and solidified.

Nearby, scientists and engineers, also under contract with the authority, are testing vegetation to determine which plant species provide the best ground cover. Other experiments monitor the weather conditions and soil erosion on site.

The results of the tests are not ready. Reedy and his colleagues hope to publish their findings in a scholarly journal.

Canisters of radioactive waste would be buried in 33-foot-deep trenches beneath a foot of soil, 3 feet of fill, a 10-inch slab of concrete and another 6 feet of soil. A prototype of this cap has been built above the silo. Sensors detect the existence of water and relay the data to Reedy's subterranean computers.

The design draws from existing low-level radioactive sites and garbage landfill caps, but represents a significant step forward, he said.

"This is one of the largest installations of its kind in the country," he said.

Deep water debate

The challenge for dump designs is to insulate the radioactive material from rain and groundwater.

Authority officials said the task is made easier by Sierra Blanca's arid climate. The area gets about 12 inches of rain a year, mostly in summer cloud-bursts. San Antonio receives an average of 31 inches of rain annually.

Runoff flows to a nearby basin, where most quickly evaporates. If it seeps into the ground, the water travels at least 600 feet down before it reaches an aquifer and a path to the Rio Grande.

Using computer models, authority scientists estimated it would take water at the

proposed dump between 3,000 and 43,000 years to reach the Rio Grande. By then, most of the radioactivity would be harmless.

But the Sierra Blanca Legal Defense Fund study lowered the estimated travel time considerably.

At issue is a set of tests that found elevated levels of tritium — a short-lived radioactive form of hydrogen — 700 feet deep in test wells near the site.

Tritium occurs naturally in low levels, but nuclear bomb testing in the 1950s and 1960s in Nevada caused elevated levels to show up in rainwater across the Southwest.

The high levels indicate water has moved from the surface to the aquifer since the bomb tests, according to a 1996 report written by Resnikoff.

"The authority should re-evaluate its estimates of groundwater travel times to reach the Rio Grande, which are now in the thousands or tens of thousands of years," Resnikoff wrote. "If infiltrating water can ... reach the aquifer in 40 years or less, then groundwater travel times could be drastically reduced to under 100 years."

"If contamination reaches the aquifer, then water from these wells could carry radioactivity into local livestock, crops and expose human inhabitants to a radiation dose."

The authority draws a different conclusion. The test samples were

sent to a second laboratory with more accurate equipment, Jacobi said, and results showed virtually no tritium in the deep groundwater.

A corner of the proposed dump lies in what scientists consider the probable maximum flood plain, a concern to critics of the plan. The authority plans to build a berm

around the site to prevent rainwater from flowing into the disposal pits.

Opponents also worry animals may bore into the pits, increasing the likelihood of water seepage. Badgers — powerful diggers — were spotted entering a burrow two miles from the proposed facility. An underground prairie dog

colony is even closer, according to authority documents.

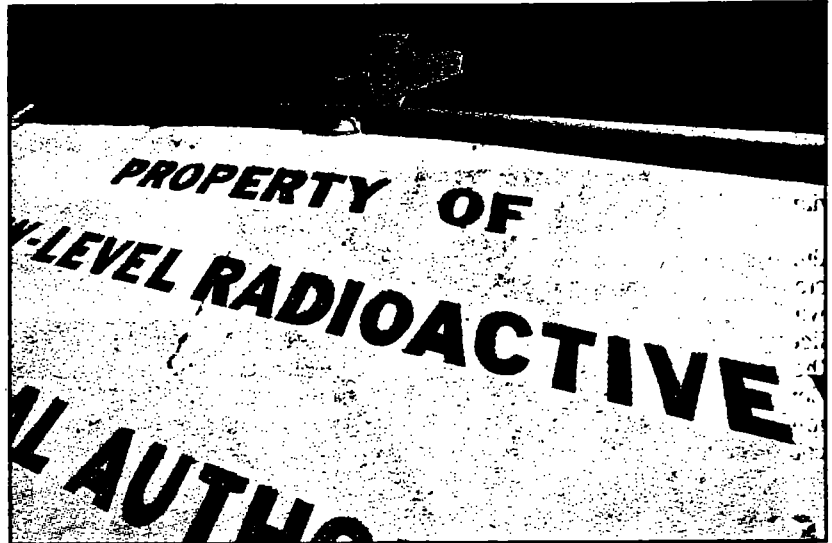
Because of all the unknowns — earthquakes, design, groundwater and animals — dump opponents said they believe the nuclear waste should be stored in an above-ground vault so scientists can easily get to it and check for leaks.

After the waste canisters are buried in the ground and sealed under a thick cap, little can be done if a leak is detected, short of tearing up an entire trench, Resnikoff said.

"If they detect a leak, what happens essentially is nothing. They continue to monitor it," he said. "In no case of an existing landfill have they gone down and exhumed the waste."

"We don't see stress zones. We don't see recent zones of rupture, we don't see anything that would indicate an earthquake is going to occur."

— Rick Jacobi, general manager of the state radioactive waste agency



A sign marks the entrance to the proposed radioactive waste dump. Six of seven such landfills in the United States have leaked, but some scientists said the Sierra Blanca site won't.

How to voice your opinion

The members of the Texas Natural Resource Conservation Commission — Barry McBee, Ralph Marquez and John Baker — will vote later this year on whether to issue a license for the Sierra Blanca radioactive waste dump. Comments on the proposed dump must be made in writing. All letters should be sent to:

Executive Director Jeff Saitas
Texas Natural Resource Conservation Commission
Legal Services — MC 173
c/o Arnoldo Medina
P.O. Box 13087
Austin, TX 78711-3087

N-dump foes charge 'environmental racism'

Portland Press Herald, October 30, 1993

● The West Texas site where Maine's low-level waste may be shipped is in a mostly Hispanic county.

Associated Press

Opponents of a referendum that would allow Maine to ship its low-level nuclear waste to Texas urged voters Tuesday to reject the proposal to avoid "environmental racism."

The opponents claim the dump is being unfairly forced on a poor, rural county in West Texas where 70 percent of residents are Hispanic.

"This is environmental racism," said Gerald Talbot, a past state president of the National Association

for the Advancement of Colored People. "This is wrong. We have to stand up."

An alliance of six groups ranging from the Committee for a Safe Energy Future to the Maine Veterans for Peace urged state residents to vote against the interstate compact with Texas.

The referendum issue would allow Maine to ship its low-level nuclear waste to Texas, sidestepping the acrimonious and expensive — \$4 million — battle to find a suitable dump site in Maine.

The McKernan administration and many state lawmakers support the compact because it would be cheaper to ship the low-level radioactive waste to Texas than to build an in-state dump.

Supporters say Texas would bene-

fit from the compact because accepting waste from Maine and Vermont would allow Texas to refuse waste from larger states.

Under the plan, industries that generate the waste would pay \$25 million in construction fees to Texas and another \$2.5 million to Hudspeth County. The dump is scheduled to open in 1996.

Bill Addington, a resident of Sierra Blanca where the dump would be located, said he and the rest of the 600 residents feel like "guinea pigs."

"It's the political path of least resistance," said Addington. "We resent very much the politicians and nuclear industry putting this on us, putting this on an unwilling host."

The Center for Vision and Policy organized the alliance along with We

The People of Maine, Maine Veterans for Peace, the Committee for a Safe Energy Future, Maine Greens, and Black Education and Cultural History.

"There's an underlying racist pattern that must be addressed by people concerned about justice and the environment," said Elly Haney from the Center for Vision and Policy.

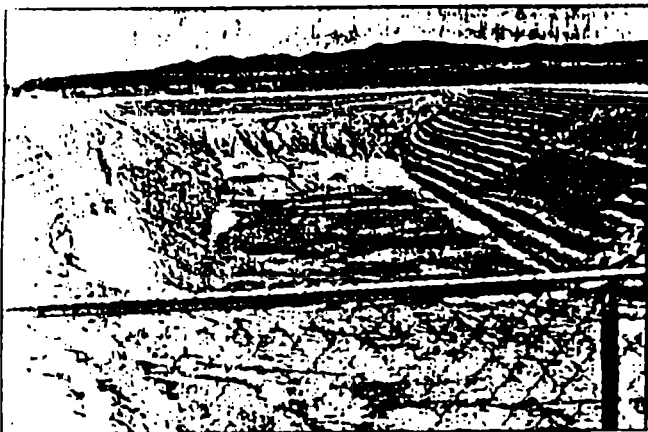
"The idea of sending our nuclear waste out of state is one of out-of-sight, out-of-mind," said Deirdre Nice, a Democratic National Committeewoman.

"The waste issue is one that all of those in power have known was going to catch up with us sooner or later. They shunned the problem before. Now they have a quick and easy solution," she said.



Bill Addington, a resident of Sierra Blanca, Texas, said the dump would be located, said he and the rest of the 600 residents feel like "guinea pigs." He spoke Tuesday.

Mexican lawmakers to fight waste dump



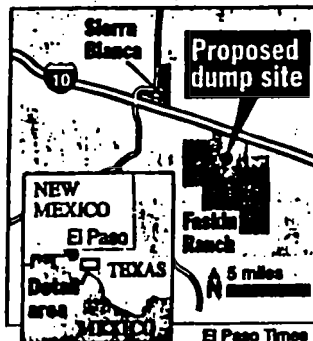
Victor Calzada / El Paso Times

Mexican legislators Wednesday criticized the proposal to build a low-level nuclear waste dump outside Sierra Blanca, about 90 miles from El Paso.

By Gary Scharrer
Austin Bureau

AUSTIN — A delegation of Mexican congressional members pledged Wednesday to fight a proposed low-level nuclear waste dump southeast of El Paso all the way to international courts, if necessary.

The Mexican officials tried unsuccessfully to visit Gov. George W. Bush and had to settle for a meeting with Texas Secretary of State Al Gonzales to protest the low-level radioactive waste dump. They argue that building such a dump 16 miles from the Rio Grande violates the 1983 La



Paz Agreement, which obligates both countries to prevent and eliminate sources of pollution within 100 kilometers (62 miles) of the border.

"We cannot permit the United States to build up garbage dumps on our border," said Mexican Sen. Norberto Corella of Baja California. "Is there any sense in entering any international agreements if they are going to be violated? ... We will go to whatever means required in order to stop this project."

The Texas Natural Resource Conservation Commission is expected to act later this year on an operating license for the proposed project being built near Sierra Blanca, about 90 miles from El Paso. The dump could open next year to store radioactive waste gen-

erated in Texas and also from Maine and Vermont, pending ratification of such a compact by the U.S. Congress.

Opponents of the dump complain that every other radioactive waste site has leaked.

"Who's going to guarantee 1,000 years from now there's not going to be a leak?" said Mexican Sen. Hector Murguía of Juárez.

A leak "once in a thousand years could be next year," Murguía said. "The border does not distinguish between the water in the wells between the United

Please see C p 4B

Dump

Continued from 1B

States and Mexico. We drink the same water."

The Mexican delegation included four federal senators, nine federal congressional members and two state legislators from five political parties. Such political unity in Mexico is rare, said Sen. Luis Alvarez, president of the Senate's natural resources commission.

The group members were disappointed that Bush would not meet with them after they arrived at the Texas Capitol.

"It was very unfortunate that we were not able to. Why? That is for Mr. Bush himself to say

why he was not able to speak with us," the senator from Baja said.

Bush spokesman Karen Hughes said the governor "went out of his way" to make sure his secretary of state met with the Mexican officials.

"And he felt that Secretary Gonzales, as his chief liaison with Mexico, was the most appropriate individual for them to meet with," she said.

Bush heard concerns from Mexican officials about the nuclear waste dump during a trip to Mexico City earlier this spring and expects to hear them again during a Border Governors Conference next week in Brownsville, Hughes said.

Still, the Mexican delegation expressed offense "that the gov-

ernor would not even greet them," state Rep. Norma Chávez, D-El Paso, said after a luncheon with the group, which later met with House Speaker Pete Laney.

Opposition to the dump in Mexico is generating "talk about a commercial boycott on the border against the American merchants," Corella said.

But Mexican officials probably will deal with the controversy within the context of the NAFTA agreement or an international court, the Organization of American States or the United Nations, he said. "All these have something to do with good relations. ... Any international court, unbiased, would certainly say that Sierra Blanca violates the La Paz Agreement."

Chávez expects legal action,

she said: "The Mexican government and supporters on the American side of the La Paz treaty, as a legal and enforceable agreement, will challenge this in court."

Bush's spokesman said the governor is following the lead of his predecessors who started the project.

"He believes that Texas needs to find a safe location to store waste, which is currently stored at more than 600 locations across the state of Texas, above ground," Hughes said. "He will only support the site if the compact passes ... and if the science proves the site is safe. Governor Bush is obviously very concerned about the health and the safety of Texans, as well as the citizens of Mexico."

Nuclear dump site hits snag

By KEN HERMAN
American-Statesman Capitol Bureau Chief

State hearings examiners, concerned about economics and earthquakes, said Tuesday that a proposed low-level radioactive dump should not be built at the remote West Texas site favored by state officials.

The examiners recommended that the Texas Natural Resource Conservation Commission reject the license needed to put the dump near Sierra Blanca, 90 miles southeast of El Paso.

"Politically and legally, it's a victory," said Bill Addington, a Sierra Blanca merchant-turned-activist who has spearheaded the battle against the proposed dump site.

The recommendation from hearings examiners Kerry Sullivan and Mike Rogin now goes to the three-member conservation commission. A date for a board vote has not been set. Geoff Connor, the agency's general counsel, said the panel approves examiners' recommendations "in a majority of cases," but reversal or modification is possible.

The proposed dump, under the aegis of the Texas Low-Level

See Examiners, A9

Wed July 8, 1998

Austin American-Statesman

Examiners recommend against nuclear dump site

■ Issue now goes to
state commission for
final vote

Continued from A1

Radioactive Waste Disposal Authority, would accept waste generated by utility companies and medical facilities.

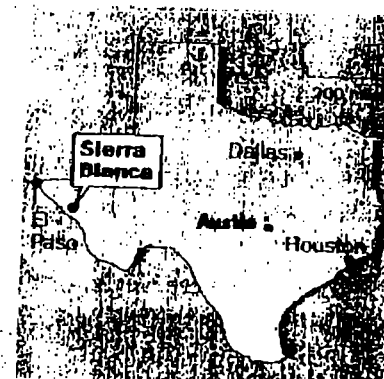
Congress is working toward approval of an agreement that would allow Maine and Vermont to ship waste to the West Texas site.

The examiners said a dump is needed, but Sierra Blanca is the wrong place.

The license should be denied, they said, because of questions about a fault under the site. The examiners said they didn't have enough information to determine whether the fault, which is inactive, is connected to a potentially more dangerous one nearby.

During hearings earlier this year, dump proponents noted that the fault at the site has not moved for more than 780,000 years, and the site could withstand a "reasonable worst-case earthquake and poses no threat to groundwater."

But opponents said the studies about the fault were inconclusive. The examiners sided with the opponents, saying there are



questions about the fault.

The socioeconomic concerns raised in the report track issues raised by Sierra Blanca residents who claimed they were victims of environmental racism.

The examiners said the authority failed to address issues such as "economic growth that might be foregone, adverse impacts on tourism and social impacts such as those related to perceptions of unfairness in the siting process or perceived changes in the quality of life in the area."

The hearing examiners' recommendation came after three months of hearings earlier this year. The commission staff had recommended approval of the license.

"It came as quite a surprise,"

Ruben Alvarado, the disposal authority's chief engineer, said of the recommendation. "We felt that we clearly carried our burden of proof."

The state has spent millions of dollars testing and preparing the site.

The lingering battle over the site tapped into the gubernatorial race recently when Democratic challenger Garry Mauro went to Sierra Blanca to side with local residents who don't want it in their area.

"I am pleased that environmental racism was raised for the first time in the permitting process in Texas," Mauro said in welcoming Tuesday's recommendation.

He also called on Gov. George W. Bush to call on his three appointees on the commission to reject the license.

Bush said he was "troubled" by the report.

"I have said all along that if the site is not proven safe I will not support it," said Bush. "I urge the Texas Natural Resource Conservation Commission to thoroughly review this recommendation and the facts and to make their decision based on sound science and the health and safety of Texans."

This article includes material from The Associated Press.

Wed July 8 98
Austin Am. Statesman

List of Resolutions

Passed in opposition of the proposed site
in Sierra Blanca

List of Resolutions

RESOLUTIONS IN OPPOSITION TO THE PROPOSED NUCLEAR WASTE DUMP IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Mexican American Legislative Caucus 8/1/98

Texas Democratic Party Executive Committee 8/1/98

RESOLUTIONS PASSED BY COUNTIES (20)

El Paso County Nov. 2, 1994
Presidio County July 10, 1995
Jeff Davis County Aug. 14, 1995
Culberson County Sept. 11, 1995
Val Verde County Feb. 26, 1996
Webb County Feb. 26, 1996
Starr County March 11, 1996
Hidalgo County March 19, 1996
Cameron County March 26, 1996
Zapata County April, 1996
Reeves County April 22, 1996
Brewster County (letter) August, 27, 1996
Ward County July 25, 1997
Sutton County July 28, 1997
Kimble County August 11, 1997
Kinney County August 18, 1997
Crockett County August 12, 1997
Pecos County August, 1997
Maverick County August, 1997
Ector County October 27, 1997

RESOLUTIONS PASSED BY CITIES

(13)

City of Austin February 9, 1995
City of Del Rio June 27, 1995
City of Bracketville July 11, 1995
City of Marfa August 24, 1995
City of Van Horn November 27, 1995
City of El Paso April 9, 1996
City of Alpine August 27, 1996
Horizon City September 4, 1996
City of Ft. Stockton August 12, 1997
City of Laredo August 18, 1997
City of Eagle Pass August 21, 1997
City of Presidio February 17, 1998
City of McAllen May 13, 1996

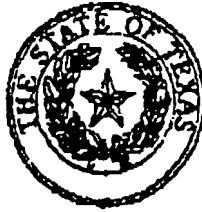
RESOLUTIONS PASSED BY MEXICO

(7)

State Congress of Coahuila Aug. 2, 1995
State Congress of Chihuahua Nov. 29, 1995
State Congress of Nuevo Leon March 19, 1998
State Congress of Sonora May 12, 1998
State Congress of Tamaulipas May, 1998
National Chamber of Deputies April 27, 1998
National Senate April 30, 1998

Opening the Door to a 50-state Compact

Gov. George W. Bush, Howard Dean, MD,
Angus S. King, Jr., Bill Richardson



STATE OF TEXAS
OFFICE OF THE GOVERNOR

April 22, 1998

GEORGE W. BUSH
GOVERNOR

The Honorable Tom Bliley, Jr.
Chairman
Committee on Commerce
Rayburn Building
Room 2409
Washington, DC 20515

Dear Chairman Bliley:

As the Governors of the member states, we are writing to you as Chairman of the House Commerce Committee to express our concerns regarding the amendments to H.R. 629, the Texas-Maine-Vermont Compact.

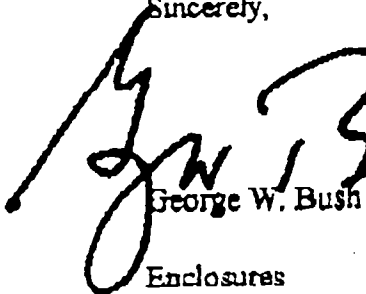
Our primary concern is the practical effects these amendments will have on the Compact. Although others may argue the merits of both amendments, the fact is that having these amendments on the legislation raises the very serious question of re-ratification and would undoubtedly lead to costly and time consuming litigation over that question. This could take several years. It is our hope that a facility at an appropriate location can be licensed, built and opened for operation before then. If the facility opens without a Compact in place, Texas will be subject to accepting waste from around the country, and Maine and Vermont will not be guaranteed any storage capacity at the facility.

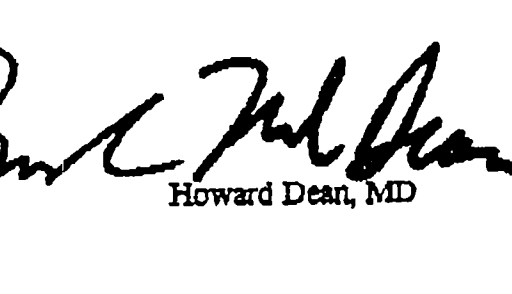
Our secondary concern is the infringement on state sovereignty if the conference committee accepts these amendments. Compacts are contractual agreements between the states as mandated by Congress, and Congress historically has ratified them without amendments. Never before has Congress amended a low-level waste compact on initial passage. The only amendments to low-level waste compacts have been those requested by the states' themselves, not Congress. Attached are copies of letters from the National Governors' Association, the Western Governors' Association and the National Conference of State Legislatures all urging passage of the Compact without amendments.

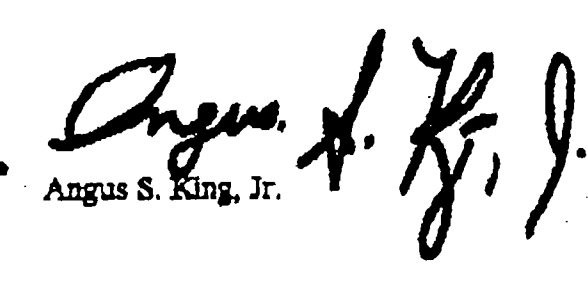
You will also see from the attached letters that Compact Commissions around the country are opposed to any amendments. As Chairman Shirley Ann Jackson of the Nuclear Regulatory Commission states, "Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions."

We urge you to support the removal of these amendments in the conference committee and to support quick passage of the Texas-Maine-Vermont Compact as passed by those sovereign states.

Sincerely,


George W. Bush


Howard Dean, MD


Angus S. King, Jr.

Enclosures

cc: Members, House Conference Committee



Congress of the United States

House of Representatives

Washington, DC 20515-5103

February 23, 1996

Mr. Dave Dale
648 Suddertt Dr.
Ruidoso, New Mexico 88345

Dear Mr. Dale:

Thank you for contacting me regarding H.R. 558, the Texas Low-Level Disposal Compact Consent Act. I appreciate your efforts to keep me informed of your views as they allow me to better represent the interest of New Mexicans.

As you may know, the Low-Level Radioactive Waste Policy Act of 1980 makes states responsible for the disposal of low-level radioactive waste generated within their borders. H.R. 558, however, would grant congressional consent to an interstate compact which would provide for the disposal of low-level radioactive waste from Texas, Maine, and Vermont at a selected site in Texas.

You can be certain that when this bill comes to the House floor for consideration, I will oppose its passage. Not only would it turn the U.S./Mexican border into a nuclear dumping ground, it is also located within an active earthquake zone and situated above a buried fault. In addition, it could have a severely detrimental health impact on the low-income community where the site is to be established.

Thank you again for contacting me. Please stay on touch.

With warm regards,

Bill Richardson
Chief Deputy Whip

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Austin, Texas 78711-3047

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Gene Shuf
EXECUTIVE DIRECTOR
Tom Treadway
DIRECTOR STATE ENERGY
CONSERVATION OFFICE
Robin K. Harvey

TO: John Howard
FROM: Roger Mulder
DATE: 10-10-97
RE: Compact with Maine and Vermont

FILE COPY

There appears to be a unanimous agreement that the Doggett amendment does not require the Texas Compact to be returned to the state legislatures.

There is a splintering in the ranks of the directly affected parties as to whether we should accept Doggett's amendment. My view is we should. There are only a few states not currently in a compact - Michigan, New Hampshire, New York, Massachusetts, Connecticut and New Jersey. Not one of them is worth having as a Compact partner (in my opinion) and having language that prevents us from compacting with states we would never compact with anyway is no threat.

The most significant effect of the language is that we could not enter into contracts with individual generators of the waste, say Yale University, if they are outside of Maine and Vermont. The only talks we've had fitting that description were with Walter Reed Army Hospital and Washington D.C.

Maine appears to be leading the charge in the effort to drop the Doggett amendment. There is speculation that Maine believes it can send its decommissioned waste to Barnwell, South Carolina, and then get "credit" for X-amount of low-level waste that it would otherwise have sent to Hudspeth County. Maine would then sell that "credit" - at a substantial profit for Maine, and have the waste shipped to Hudspeth County.

If that is Maine's plan, then the Doggett amendment should be kept.

The other advantage to having the Doggett amendment is that we can always say that Congressman Doggett is now a supporter in shipping waste from Maine and Vermont to Texas. Alternately, I don't think we'll ever win the public relations fight if Doggett is allowed to demagogue that we were never interested in limiting the waste, and always wanted Sierra Blanca to be a national dumping ground.

The only real problem with the amendment is that it does take away any flexibility the Compact Commissioners might have had. For instance, if either Maine or Vermont dropped out of the Compact, we could not replace them. Waste volumes would therefore go down and cause disposal costs to go up.

The bottom line is that Governor Bush should continue supporting an action that is best for the entire state of Texas, and right now that is an ironclad limitation on the number of states shipping waste to Sierra Blanca. If that is our position, we will have to get that message out to the appropriate people. While the Senate is not scheduled to take up the Compact until after its 10-day recess, our message should be that the Senate take the House language, add no other amendments, and approve it.

My preference would be to have the Governor write a letter to Congressman Barton saying he supports the Compact with the Doggett amendment.

Violations of Environmental Justice

10

Violations of Environmental Justice

- Ⓐ Building a dump in Sierra Blanca would **violate the 1983 La Paz Agreement** signed by the presidents of the United States and Mexico, President Reagan and President Lopez-Portillo) which states that the two countries will “prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area (100 km) of the other.”
- Ⓐ The proposed dump would violate Title VI of the 1964 Civil Rights Act passed by congress to prevent discriminatory activities. **The proposed dump would equal *Environmental Racism*.**
- Ⓐ There is **no Spanish translation of the License Application**, nor of the TNRCC’s Environmental Assessment. A translator will only be available for the first public hearing. None of the memos and communications from the State Office of Hearings Examiners have been or are scheduled to be written in Spanish, **even though several potential parties are Mexican, and Spanish is the first language of many of the people in Sierra Blanca.**
- Ⓐ The United Church of Christ Commission for Racial Justice found that race proved to be the most significant among variables associated with the location of commercial hazardous waste facilities.¹ **Sierra Blanca is already home to the nation’s largest sewage dump, at which 250 tons a week of semi-treated New York sludge is sprayed on 100,000 acres adjacent to the town. The sludge carries heavy metals, viruses and bacterias, and may have a low radioactive content from New York’s nuclear power plants.** A large area of West Texas, including Sierra Blanca, is also scheduled to become a low-level flight pattern for the US and German Air Forces.

¹“Toxic Waste and Race in the United States.”

Low-Level Facts

11

Low-Level Facts

- ④ Low-Level waste is a *very broad category* containing many different types of radioactive materials.
- ④ Generators of Low-Level Radioactive Waste
 - commercial facilities such as nuclear power plants
 - hospitals
 - research institutions
- ④ Some examples of Low-Level Radioactive Waste
 - material used in various processes as well as supplies and equipment that have been contaminated with radioactive materials
 - ion exchange resins and filter materials used to clean water at a nuclear power plant
 - contaminated had tools, components, piping, and other equipment from nuclear power plants and other industries
 - research equipment from laboratories where radioactive materials are used
 - shoe covers, lab coats, cleaning cloths, paper towels, etc., used in an area where radioactive material is present
 - containers, cloth, paper, fluids, and equipment which came in contact with radioactive materials used in hospitals to diagnose or treat disease
 - filters from sampling devices used to test for airborne radioactive contamination
 - scintillation fluids in which filters from some sampling devices must be dissolved in order to determine the amount of radioactive material present
 - carcasses of animals treated with radioactive materials used in medical or pharmaceutical research
- ④ These are just a few of the materials categorized as low-level radioactive waste.
 - The concentration of radioactive material in low-level waste can vary and are divided into four categories:
 - Class A-lowest concentrations, with half-lives of less than five years
 - Class B-next lowest concentrations, with longer half-lives
 - Class C-highest level concentrations that are allowed to be buried in a low-level waste disposal facility
 - All Greater than Class C waste must be disposed of by the Federal Government



Amount of Low-Level Waste Produced

- described in either volume (cubic feet or cubic meter) or in activity (curies)
- Class A--is the majority of the volume, but only a fraction of the activity
- Class C--is less than one percent of the volume, but over half of the activity
- The volume and activity of low-level radioactive waste generated and shipped in the United States each year can vary, depending upon the operations conducted by the waste generators during that year.

Volume and Activity of LLRW Disposed of in the United States, 1989 - 1993					
	1989	1990	1991	1992	1993
Volume (ft³)	1,627,813	1,142,810	1,369,303	1,743,279	792,177
Activity (Ci)	856,900	547,902	799,815	1,000,102	643,206
Source: National Low-Level Waste Management Program, Idaho Falls, ID					

Adapted from: Audeen W. Fentiman, Joyce E. Meridith, Ronald J. Veley, "What is Radioactive Waste?", Radiation Education Resources, The Ohio State University Extension, 1993.

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What Should Be Done With Radioactive Waste?

The question really requires two replies. At issue is the management of nuclear power plant waste and radioactive bio-tech and bio-medical waste. The biggest misconception being orchestrated by Austin and the Texas Low Level Radioactive Waste Disposal Authority is that both kinds of radioactive waste are similar in character and levels. Nuclear power plant waste and radioactive bio-tech and bio-medical waste can not be considered or treated as one and the same.

The current "low-level" radioactive waste category is based on an irrational Nuclear Regulatory Commission (NRC) waste classification scheme and the absence of any applicable Environmental Protection Agency (EPA) standards. As a result, highly radioactive and long-lived nuclear reactor waste is included in the same "low-level" waste category as the generally short-lived wastes from medical

medical waste which is radioactive for less than 8 months is thrown in with power plant reactor waste which will be hazardous for hundreds of thousands of years. Medical waste from diagnosis and treatment shipped in one year usually gives off a fraction of one curie of radiation. A "curie" is the measurement used to indicate how much radioactive energy is being emitted (1 curie = 37 billion radioactive emissions per second). In contrast, nuclear reactors generate over 200,000 curies in "low-level" waste every year.

In Texas, nuclear power plants will produce over 90 percent of the radioactivity in the annual volume of "low-level" waste. When utilities decommission and dismantle these nuclear reactors, their share of the total volume will approach 99 percent. This is important to remember, when you realize that Texas is scheduled to receive radioactive waste from

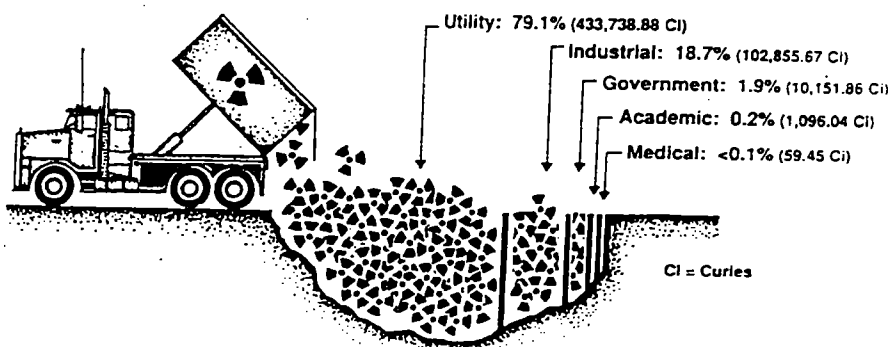
Maine and Vermont.

Both states have aging power plants. The Maine Yankee nuclear power plant is due to be decommissioned in 2008. Four years later in 2012, the Vermont Yankee power plant will be decommissioned.

Austin and pro-dump supporters anxiously claim the immediate need for a nuclear dump to enable medical procedures that employ radioactive materials to continue. If a nuclear

dump does not open, they tell us, we face the eminent discontinuation of medical research and treatment of diseases such as cancer. These claims are deliberately misleading and reprehensible. The residents of Texas are in no danger of losing the benefits of nuclear medicine in hospitals or bio-medical research

Fig. 1 - Radioactivity of Wastes by Source Deposited at Existing Commercial "Low-Level" Storage Facilities



Source: 1990 State Assessment of Low-Level Radioactive Wastes Deposited at Commercial Disposal Sites, DOE/EIS/W-132, National Low-Level Waste Management Program, U.S. Department of Energy, Washington, DC, September 1990.

treatment, diagnosis, and from some types of scientific research. Nuclear power plant waste contains dangerous concentrations of exactly the same isotopes that make "high-level" radioactive waste disposal so controversial: i.e. plutonium-239 and -238, tritium, cesium-137, and strontium-90. Thus, the vast majority of

Health Effects of Radiation

12

Health Effects of Radiation

- ⊗ Radiation affects the cells that make up living organisms
- ⊗ Effects are *random*
- ⊗ The more radiation, the greater chances of an effect occurring
- ⊗ Four possible effects of radiation on a cell
 - loss of proper function
 - loss of reproduction ability
 - genetic code (DNA) may be damaged to cause mutations and cancerous growth
 - no effect
- ⊗ Health Effects of Radiation
 - Threshold Effects appear after a certain level of radiation exposure is reached and enough cells have been damaged to make the effect apparent.
 - Non-Threshold Effects occur at any level of radiation exposure, but the risk of harmful health effects generally increases with the amount of radiation absorbed.

Table 1. Threshold effects	
Dose (in mrem)	Effects
5000 - 20,000	Possible latent effect (cancer), possible chromosomal aberrations
More than 10,000	Increased incidence of defects in the development of embryos and fetuses in the womb
25,000 - 100,000	Blood changes
More than 50,000	Temporary sterility in males
100,000 - 200,000	Vomiting, diarrhea, reduction in infection resistance, possible bone growth retardation in children
200,000 - 300,000	Serious radiation sickness, nausea
More than 300,000	Permanent sterility in females
300,000 - 400,000	Bone marrow and intestine destruction
400,000 - 1,000,000	Acute illness and early death, usually within days
Source: National Research Council, Committee on the Biological Effects of Ionizing Radiation, BEIR V	

Adapted from: Audeen W. Fentiman, Mitchell Smith, Joyce E. Meridith, "What Are the Health Effects of Ionizing Radiation?", Radiation Education Resources, The Ohio State University Extension, 1993.

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The Compacts

13

A glimpse at radioactive waste dumps in the United States

Beatty, Nevada (1962-1992): In 1979, the Governor of Nevada ordered the facility closed after several shipments of radioactive waste were found to have leaking containers after being received at the site. Over the years, monitoring wells at the site have repeatedly shown radioactive and chemical contaminants in groundwater below the Beatty facilities. In 1994, the USGS discovered that radioactive contaminants had leaked offsite and to depths of at least 357 feet below ground.

Maxey Flats, Kentucky (1963-1977 - now a federal Superfund site): Plutonium, strontium, tritium, cesium and radioactive cobalt have migrated off-site. Kentucky taxpayers and waste generators are now paying for clean-up, which has been estimated at \$100 million.

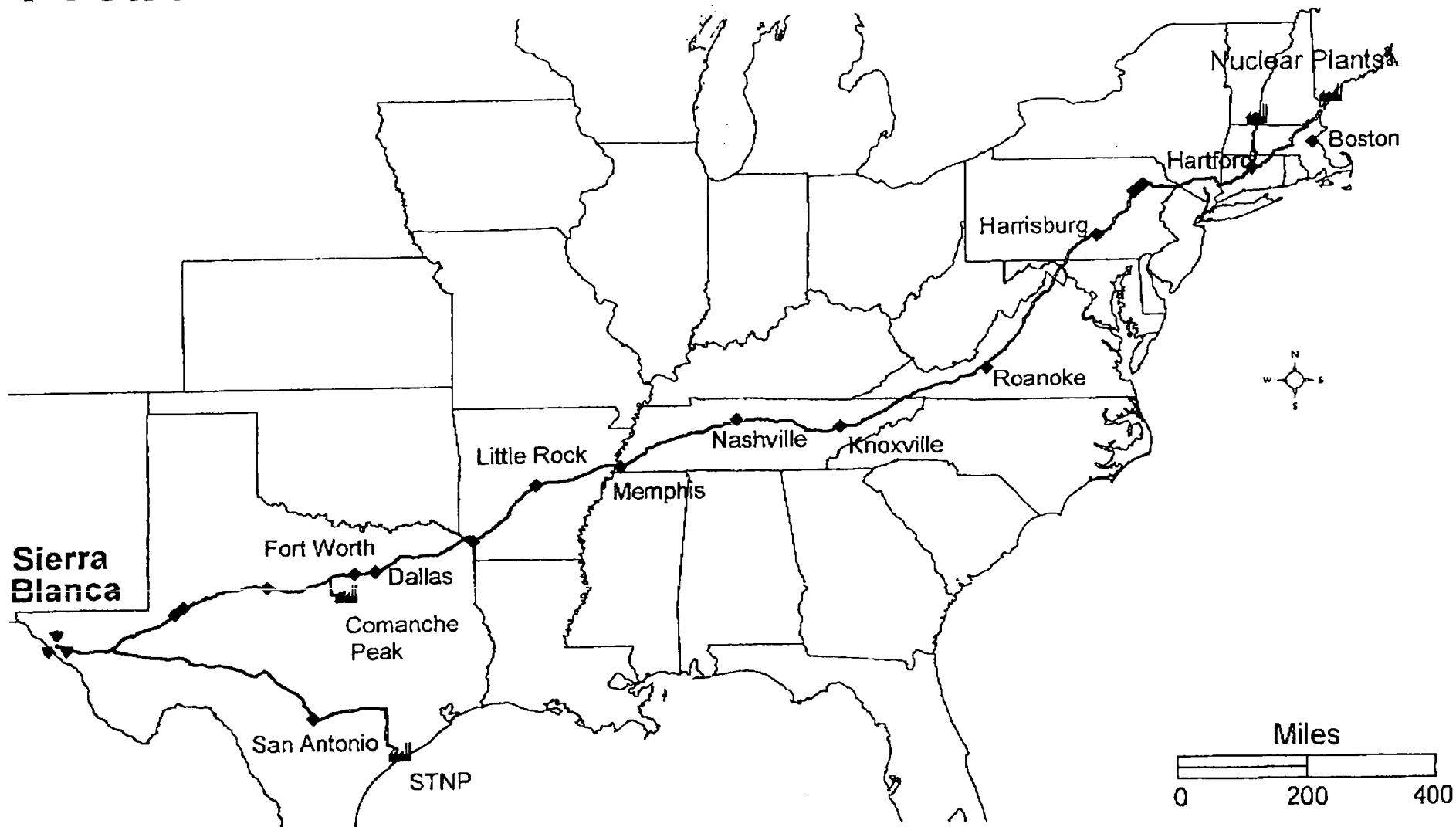
West Valley, New York (1963-1975): Rain caused extensive damage at the site, and a 30-foot wide plume of plutonium and other radioactive contaminants has been reported moving toward a feeder stream of a nearby creek.

Richland, Washington (1965-present): Elevated levels of tritium have been detected 85 feet below ground near the trenches at the site, and in vegetation at the site. Gamma radiation monitoring at the site shows levels far in excess of regulatory standards - apparently caused by disposal practices at the site.

Sheffield, Illinois (1967-1978): Radioactive contaminants leaked offsite, contaminating nearby Trout Lake. U.S. Ecology, the company operating the dump, then physically abandoned the site. In the time it took for the State of Illinois and the U.S. Nuclear Regulatory Commission to force U.S. Ecology back onto the site, rain, combined with lack of site maintenance, caused massive infiltration of surface water into the burial trenches. Remediation costs reach as high as \$500 million.

Barnwell, South Carolina (1971-present): Tritium has been detected in groundwater beneath the Barnwell facility. The USGS has estimated that tritium could contaminate Marys Branch Creek, less than 3/4 of a mile from the site, in 50 years. Water from an on-site well has shown tritium concentrations of 10 times the federal drinking water limit.

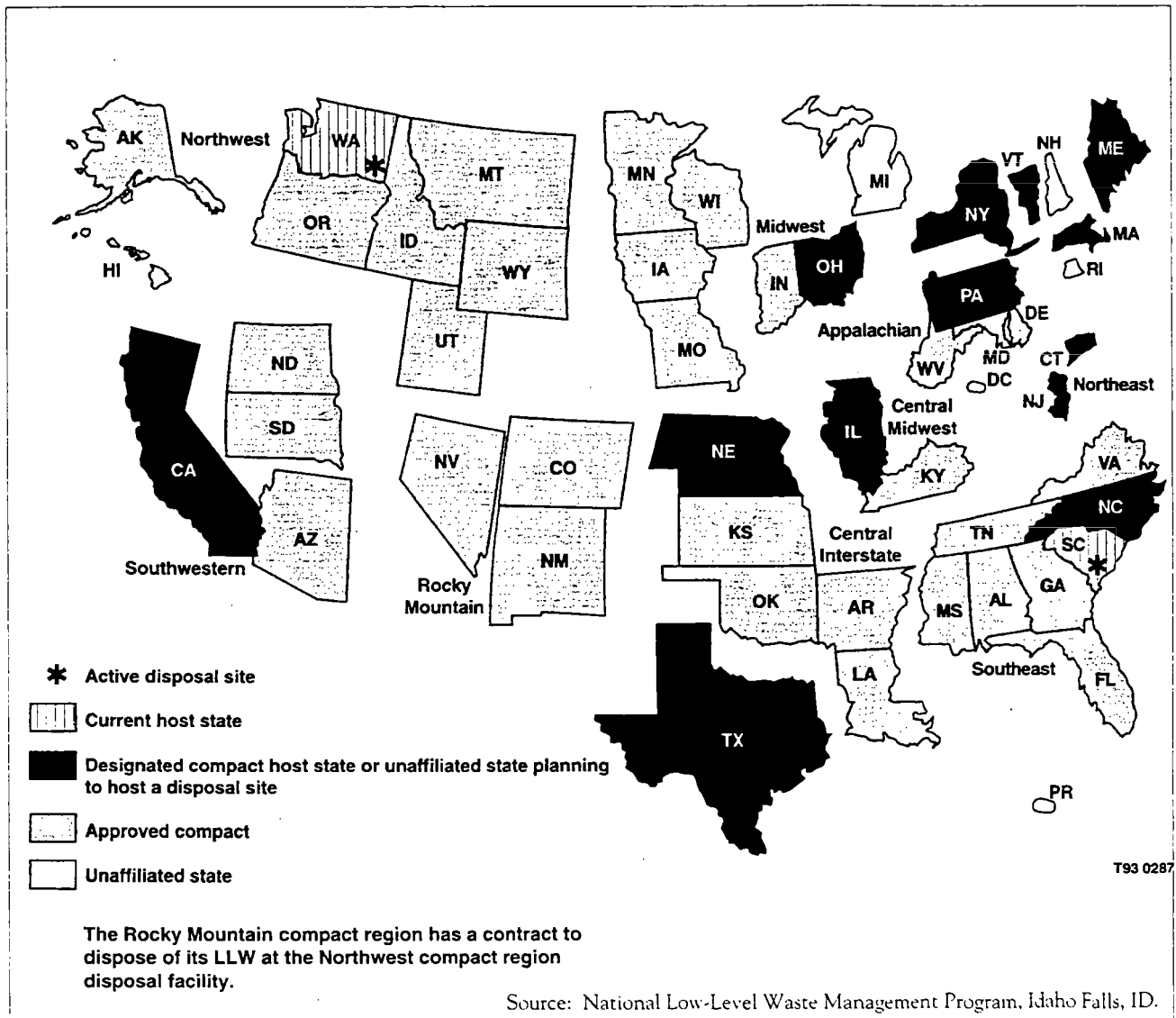
Probable Route of Nuclear Waste Shipment



The Compacts

The Low-Level Radioactive Waste Policy Act defines a compact as a legal agreement between two or more states to share in the disposal of low-level radioactive waste. It is essentially a contract between states. For a state to become a member of a compact, its state legislature must enact the compact as a statute. After the legislatures of all states in a compact enact the agreement, Congress must also consent to it. Each compact is responsible for the development of disposal capacity for commercial low-level radioactive waste generated within the members' borders.

Regional Compact Alignments



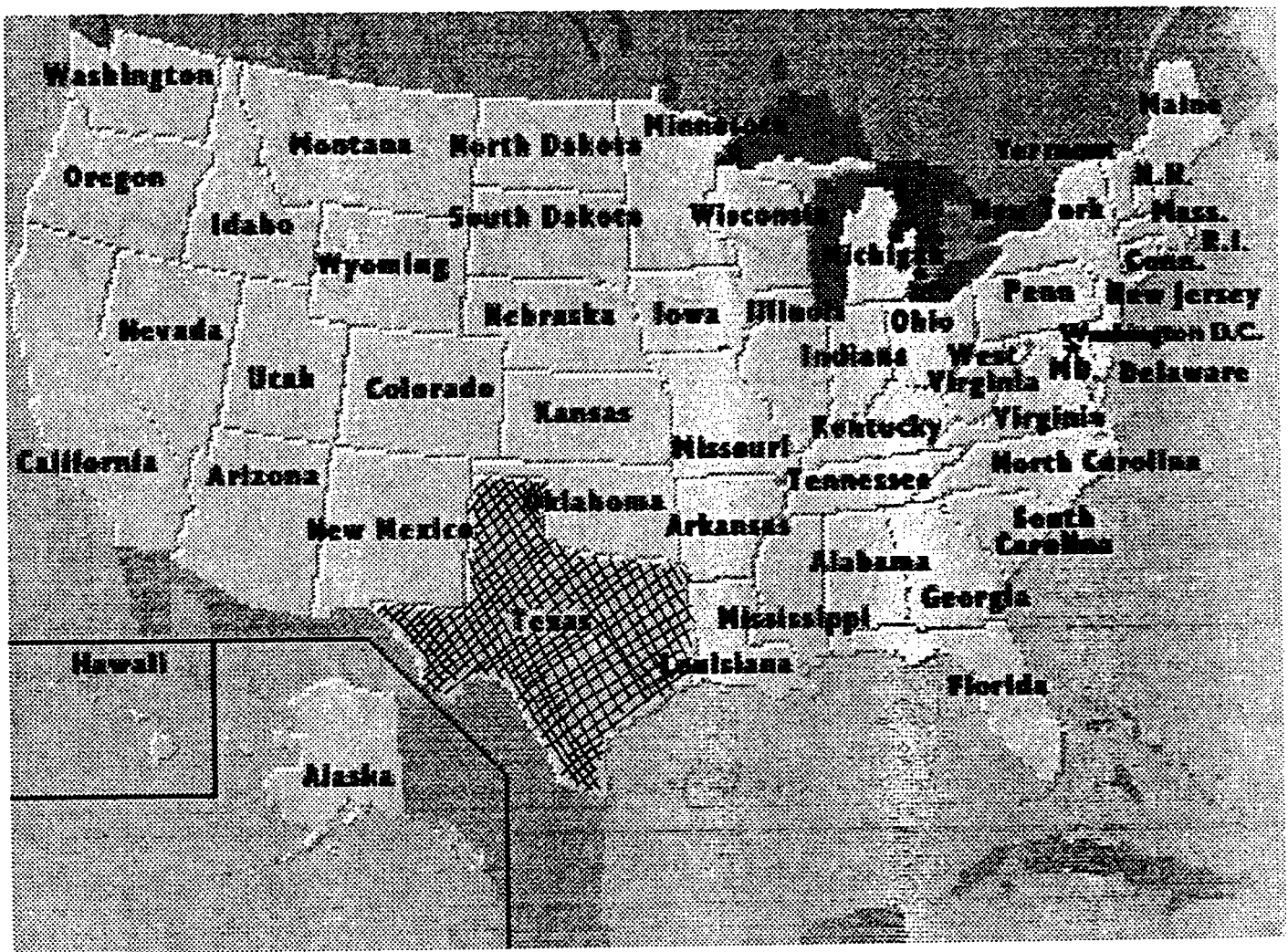
The Compacts

The host state agrees to take waste from all the compact states for a designated period of time after which another state must build and operate a facility.

The next dump that opens will most likely become a national dump.

The former Chairman of the U.S. Nuclear Regulatory Commission said, in 1994, " . . . there isn't that much low-level waste; two or three sites could handle all the waste . . ."

Connecticut already has offered Texas \$100 million to join the compact if it is ratified by Congress.



Information courtesy of James G. Tripodes & Nekita O. Hobson, "Low-Level Radioactive Waste Management: The California Story, May 1995", University of California, Irvine University Extension, 1995.

Record Type: Record

To: Maritza Rivera/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: Re: Texas/Maine/Vermont Low Level Radioactive Waste Disposal Compact Consent Act 

A number of groups are coming in to present their opposition to this and to demand that the President veto the compact. The meeting is scheduled for 12:30 on Monday (8/31) in the Jackson Room of the White House Conference Center. I would be grateful if you can attend. I am extending the invitation to Leg Affairs, Intergovernmental, DPC, and OMB, and imploring those offices to attend because the implications for Hispanic constituencies will be of concern to all of them. Afterward we can meet quickly to discuss how to respond to the letter.

By way of quick background, the compact would allow a Texas dump site, located in a predominantly Hispanic community, to accept waste from Maine and Vermont. Senator Leahy is strongly pressing this. A vote on the conference report is expected in the Senate the first week after recess. The report cleared the House by a lopsided, veto-proof majority, and I expect the same in the Senate. In the original vote in the House, the Hispanic caucus split on it, although my understanding is that Reyes and others strongly oppose. Janet, it would be extremely useful if we could find out where the caucus is on this before proceeding (my understanding is that the entire caucus voted against except Gonzalez, who was absent).

Also, because this compact is largely an agreement between the states, the Federal role is minimal. There is likely to be some "Federalism" backlash from the states if we kill this. Because Micky already has taken a strong hit on these issues in the context of the Federalism EO, I think it's important that he be aware of this.

You should know that a CEQ-proposed letter to the Hill merely expressing concerns about the compact, based on what we had heard from the groups OPL is hearing from, was killed in the OMB clearance process. One possibility that I have raised with the groups is that the President might sign the compact, but then order DOE not to provide any assistance to the siting process unless the community concerns are addressed. This might be a way of assuaging some of the concerns we are hearing.

Message Copied To:

Paul J. Weinstein Jr./OPD/EOP
Beth A. Viola/CEQ/EOP
Janet Murguia/WHO/EOP
Julie A. Fernandes/OPD/EOP
Mona G. Mohib/WHO/EOP
Kathleen Peroff/OMB/EOP
Elizabeth Gore/OMB/EOP
Roger S. Ballentine/WHO/EOP

Bradley M. Campbell 08/31/98 12:09:49 PM

Record Type: Record

To: Julie A. Fernandes/OPD/EOP, Maritza Rivera/WHO/EOP

cc:

Subject: Re: Texas/Maine/Vermont Low Level Radioactive Waste Disposal Compact Consent Act

FYI

----- Forwarded by Bradley M. Campbell/CEQ/EOP on 08/31/98 12:09 PM -----



Mindy E. Myers

08/28/98 06:44:34 PM

Record Type: Record

To: Bradley M. Campbell/CEQ/EOP

cc: Dario J. Gomez/WHO/EOP, Janet Murguia/WHO/EOP

Subject: Re: Texas/Maine/Vermont Low Level Radioactive Waste Disposal Compact Consent Act

The following is the voting record for the above (HR 629 -- Roll Call Vote 344 on 7/29/98)

CHC Yeas

Serrano

Martinez

CHC Nays

Becerra

Gutierrez

Menendez

Ortiz

Pastor

Reyes

Rodriguez

Ros-Lehtinen

Roybal-Allard

Sanchez

Torres

Velazquez

Not Voting

Gonzalez

Hinojosa

CHC Members Who Don't Vote

Romero-Barcelo

Underwood

----- Forwarded by Mindy E. Myers/WHO/EOP on 08/28/98 06:13 PM -----

JANET MURGUIA

08/28/98 05:57:44 PM

Record Type: Record

To: Dario J. Gomez/WHO/EOP
cc: Mindy E. Myers/WHO/EOP, Bradley M. Campbell/CEQ/EOP
Subject: Re: Texas/Maine/Vermont Low Level Radioactive Waste Disposal Compact Consent Act

Dario, could you pull the vote referred to below and let me know how the CHC voted. I'm pretty sure they voted as a block together against this bill. I know we had a letter stating that they as a Caucus were opposed. JM

----- Forwarded by Janet Murguia/WHO/EOP on 08/28/98 03:54 PM -----

Maritza Rivera



08/28/98 04:48:43 PM

Record Type: Record

To: Bradley M. Campbell/CEQ/EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Texas/Maine/Vermont Low Level Radioactive Waste Disposal Compact Consent Act

What groups are coming in? Can we include LULAC in on this?

Bradley M. Campbell

Bradley M. Campbell 08/28/98 04:41:21 PM

Record Type: Record

To: Maritza Rivera/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Texas/Maine/Vermont Low Level Radioactive Waste Disposal Compact Consent Act

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Kathleen Peroff/OMB/EOP
Elizabeth Gore/OMB/EOP
Roger S. Ballentine/WHO/EOP

EXECUTIVE OFFICE OF THE PRESIDENT

Washington, D.C. 20503

TELECOPIER COVER SHEET

Date: August 31, 1998

PLEASE DELIVER IMMEDIATELY TO:

JULIE FERNANDEZ/DPC

Telecopier: [list]

From:

Bradley M. Campbell
Associate Director/CEQ

Telecopier: 202/456-0753

Telephone: 202/395-5750

Number of Pages (including cover) 13

Comment:



Neil_Carman @ greenbuilder.com (Neil Carman)
08/30/98 07:08:12 PM

Please respond to Neil_Carman@greenbuilder.com (Neil Carman)

Record Type: Record

To: Bradley M. Campbell/CEQ/EOP

cc:

Subject: Title VI and Sierra Blanca, Texas nuclear dump site

SIERRA CLUB

LONE STAR CHAPTER

August 30, 1998

Dear Mr. Campbell,

On behalf of more than 22,000 Sierra Club members and their families in Texas, we want to share environmental justice inequities pursuant to Title VI of the Civil Rights Act of 1964 regarding the low level nuclear waste dump at Sierra Blanca, Texas undergoing state permitting by the Texas Natural Resource Conservation Commission (TNRCC).

We believe that the Sierra Blanca nuclear dump site discriminates against People of Color residents of Texas including Hudspeth County by ignoring their environmental protection and public health needs in violation of the Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and its implementing regulations which are codified at 40 C.F.R. Part 7 ("Title VI"). We understand that a Title VI administrative complaint was filed with the US EPA, DOE and NRC agencies and is pending against the States of Texas, Maine and Vermont.

A. Executive Order 12898 on Environmental Justice issued by President Clinton on February 11, 1994 and amended to require federal agencies by March 24, 1995 to develop an Environmental Justice Strategy

On February 11, 1994, President Clinton issued Executive Order 12898 on Environmental Justice titled: "Federal Actions to Address Environmental Justice In Minority Populations And Low-Income Populations". This Executive Order specifies that the concept of environmental justice shall be enforced through Title VI of the Civil Rights Act of 1964.

Moreover, President Clinton's Executive Order affirms and prescribes fundamental requirements for federal agencies to insure that all federal programs and federally funded agencies shall be strictly prohibited from increasing the disproportionate burdens of environmental hazards in communities of color and low-income neighborhoods, such as areas of Sierra Blanca and Hudspeth County, Texas.

This order focuses federal attention on the environmental and human health conditions of People of Color and low-income communities while calling on federal agencies to make the achievement of environmental justice part of their mission. President Clinton desired federal agencies to reinvent the way that they approached environmental justice so that their-day-to-day efforts would be more effective in protecting the public health and environment. Since state entities inclusive of Texas, Maine and Vermont have a financial nexus to the federal government, state entities must also recognize Title VI precept's as well as the Executive Order's precepts.

The Executive Order, as amended, directed federal agencies to develop, by March 24, 1995, an Environmental Justice Strategy that identified and addressed disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on People of Color and low-income populations.

The Presidential memorandum issued with the Executive Order emphasized that existing laws, including the National Environmental Policy Act (NEPA) and Title VI of the Civil Rights Act of 1964, provide opportunities for Federal agencies to address environmental hazards in People of Color and low-income communities.

We assert that the President's Environmental Justice executive order is directly relevant to the affected community of Sierra Blanca near a proposed Texas Low-Level Radioactive Waste Dump in addition to the existing sewage sludge dump. We further believe that compliance with the President's Environmental Justice executive order is required in the Texas Low-Level Radioactive Waste Dump matter including licensing oversight and reviews by federal and state agencies since a predominantly People of Color and low-income population is located near the site and will be disproportionately affected by the health, environmental, economic and social impacts from the proposed Texas radioactive waste dump.

B. The President's Environmental Justice executive order contains requirements for Federal agencies to carry out including the following steps through an interagency effort lead by the EPA and DOE:

- ° Develop strategies for identifying and addressing disproportionately high and adverse human health or environmental effects on low-income and minority populations of their programs, policies or activities.

- ° Ensure minority and low-income populations have access to information related to human health and the environment.

- ° Consider activities related to human health and the environment in a manner that does not discriminate or have the effects of discriminating against low-income and minority populations.

- ° Consider disproportionately high and adverse human health or environmental hazards on minority and low-income populations in conducting research and data collection related to human health or the environment.

People of Color and low-income individuals residing within Husbeth County, Texas have already been adversely impacted by the world's largest sludge dump without public hearings and public participation. Residents have been adversely impacted, continue to be adversely impacted and/or in the future will be adversely impacted by the pollution from the low level radioactive waste

dump in addition to an existing sewage sludge dump at Sierra Blanca located within Hudspeth County, which is under the jurisdiction of the State of Texas and the TNRCC and TLLRWDA. Adverse impacts are and/or will be caused by exposure to radioactive, toxic, hazardous and noxious chemicals and wastes associated with operations of the below cited waste disposal facilities, principally located at the sprawling sewage sludge dump in southeast Sierra Blanca.

Sierra Blanca residents living in affected neighborhoods of the affected area polluting plants have been adversely exposed, in some cases, for years, to toxic, hazardous and noxious substances through a variety of pathways, including but not limited to, breathing contaminated air, skin exposure from particle fallout and vapors, ingesting contaminated fish, and eating other contaminated foods.

C. Disparate Pollution Impacts and Locations of People of Color Populations:
Hudspeth County, Sierra Blanca, Texas

As previously stated above, unacceptable and continuing pollution have bombarded residents living adjacent to and within the proximate vicinity of the polluting facilities, in addition to the fact that Hudspeth County has already been successfully targeted for the home of one of the nation's largest sewage sludge dumps and now low-level radioactive disposal industrial district stretches out for many miles. As a result, the effects of this pollution disproportionately impacts People of Color communities and low-income citizens in both Sierra Blanca and Hudspeth County.

From 1990 Census data, Hudspeth County is predominantly low-income and Latino. Hudspeth County including Sierra Blanca is 66.4% Latino, 33.5% white and 0.1 other People of Color. Demographic data indicates that of Sierra Blanca's population of approximately 700, close to 465 are Latino. People of color have a combined representation of 66.5% of the Hudspeth County population and is projected to reach 74% by the year 2000. The Hudspeth County % of Latinos is nearly 260% above the Texas % in 1990 of 25.5%, meaning that this area is disproportionately made up of Latinos. Hudspeth County is extremely poor, which implies two reasons for choosing the nuclear dump site here.

Residents expect the state environmental agency, TNRCC, to approve the site permit since the agency, as a general rule, does not deny permits regardless of the recommendations of hearings examiners (i.e., administrative law judges). The TNRCC has a proven track record of approving virtually all permits before it and has over ruled the examiners' recommendations to deny permit approvals on several occasions. More than 99.9% of all permits have been approved by the agency in the last decade alone.

For these reasons, we assert that the Sierra Blanca state permit and Compact bill pending in Congress both implicate Title VI and the President's Executive Order on environmental justice. Thank you for the opportunity to share this information with you and your staff.

Sincerely yours,

NEIL J. CARMAN, PH.D.

Clean Air Program Director and former Texas Air Control Board investigator

Lone Star Chapter of the Sierra Club
54 Chicon Street
Austin, Texas 78702
512-472-1767 Phone
512-477-8526 Fax
Neil_Carman@greenbuilder.com Email

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Green Building Professionals Directory:
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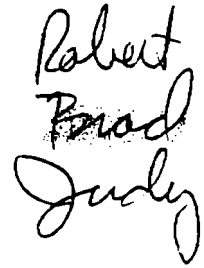
Calendar: <http://www.greenbuilder.com/calendar/>

Bookstore: <http://www.greenbuilder.com/bookstore>

Congress of the United States

Washington, DC 20515

July 29, 1998



The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue
Washington, DC

F305-5107

Dear Mr. President:

We, the members of the Congressional Hispanic Caucus, urge you to veto H.R. 629, the Texas Low-Level Radioactive Waste Disposal Act, if it is passed by the Senate and sent to your desk.

In a letter to members of the House of Representatives dated July 28, the League of United Latin American Citizens (LULAC) said, in part, "The selection of a poor Mexican-American community (which is already the site of one of the largest sewage sludge projects in the country) brings to mind serious considerations of environmental justice.... The decision Congress now faces on this matter cannot be made in a vacuum, ignoring serious environmental justice questions that have been raised about the site selection process. These unjust procedures are in apparent contradiction of the 1994 Executive Order that firmly upheld environmental justice."

"LULAC would caution Congress not to be complicit in what has become, whether intentional or not, a repulsive trend in this country of setting the most hazardous and undesirable facilities in poor, politically powerless communities with high percentages of people of color. Only a vote against the Texas Maine Vermont Radioactive Waste Compact conference committee report will ensure that this trend is not extended into Hudspeth County Texas."

Mr. President, we couldn't agree more.

In addition, unlike both the House and Senate passed measures, the final version of H.R. 629 does not include a provision that would restrict waste at the selected site to the states of Texas, Maine and Vermont. By deleting this key provision from the final version of H.R. 629, the conferees violated the scope of their authority. Without this provision to restrict waste to Texas, Maine and Vermont, H.R. 629 would never have passed the Senate.

We also want to call to your attention a recent recommendation by two Texas hearing examiners against licensing the low-level nuclear waste dump in Sierra Blanca. The hearing examiners explained that the "State Low-Level Radioactive Waste Disposal Authority did not adequately determine whether a fault under the site posed an environmental hazard." The examiners further stated that the Authority did not adequately address how the proposed facility might harm the quality of life in the area.

These findings are further evidence that the proposed radioactive waste dump is a potential environmental hazard which has not undergone adequate study by various state agencies.

Regardless of claims to the contrary, if H.R. 629 becomes law, the dump will, in fact, be located at Sierra Blanca. If H.R. 629 becomes law, it will endanger the safety and welfare of the community and the people who live there.

Finally, Mr. President, we want to remind you of the objections of the Mexican government to the location of this dump in Sierra Blanca. In a unanimous resolution, the Mexican Congress declared the proposed project an "aggression to our national dignity."

The resolution further states, "The position that the Mexican government assumes with relation to the proposed disposal facility of Sierra Blanca will constitute a clear precedent that can be invoked relating to disposal facilities that are planned in the future within 100 kilometers along the common border."

"This represents high potential risk of contamination for the Rio Bravo and the underground aquifers, which could cause a negative impact for the health of the population, the environment, and the natural resources on both sides of the border."

"The construction of the disposal facility in dispute would violate the spirit of...international law and would implicate the noncompliance of the commitments assumed by the United States after the signature of the 1983 Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area — better known as the La Paz Agreement — particularly Article 2 of the Agreement, which states: The Parties undertake to the fullest extent practical to adopt the appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other."

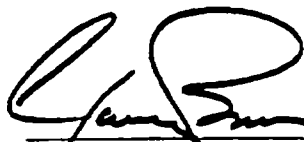
The Agreement also "commits the Parties to cooperate in reciprocity, and mutual benefit. In complying with these dispositions, the United States Government must take measures in this case with the appropriate authorities, in order that the Sierra Blanca project not be authorized."

The Resolution further states, "due to the adverse effects that this project could have on the health of [the Mexican] population and the natural resources, we present the following Pronouncement: We reiterate our complete rejection of the project which is the construction and operation of the nuclear waste disposal facility that the Government of Texas plans to build in Sierra Blanca, Texas, and express our disagreement, concern, and unconformity with the policy adopted and followed up to now by the Government of the United States, that favors the construction of disposal facilities on the southern border with Mexico, without taking into account the potential negative impacts that this policy can have regarding human health and the environment in the communities located on both sides of the border."

The Mexican Congress asked the U.S. House of Representatives to vote against H.R. 629 because "its approval signifies a relevant approval for the construction and the management of the disposal facility of radioactive wastes in Sierra Blanca, Texas and represents a violation of the spirit of the La Paz Agreement."

Mr. President, for all these reasons, we urge you to veto H.R. 629.

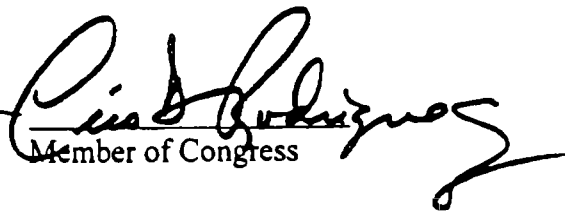
Sincerely,



Member of Congress



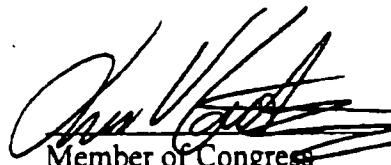
Member of Congress



Member of Congress



Member of Congress



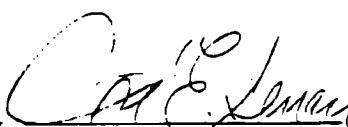
Member of Congress



Member of Congress



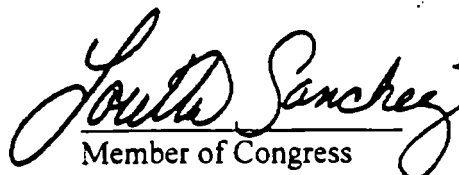
Member of Congress



Member of Congress



Member of Congress



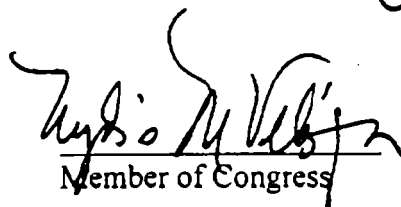
Member of Congress



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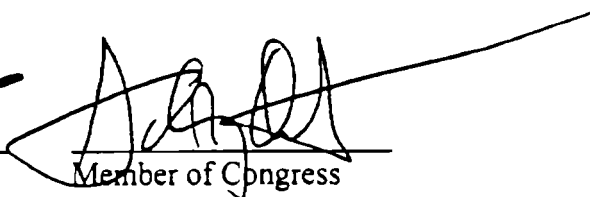
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Texas Democratic Party

**TEXAS DEMOCRATIC PARTY
EXECUTIVE COMMITTEE RESOLUTION
Passed at August 1, 1998 Executive Committee Meeting**

WHEREAS the State of Texas is seeking to build a low-level radioactive waste disposal site near Sierra Blanca in Hudspeth County, Texas, only sixteen (16) miles from the Rio Grande and in a region which has gained recognition as an active earthquake zone; and

WHEREAS, after a prolonged and protracted hearing, state administrative law judges have ruled that "the fault beneath the site has not been adequately characterized to determine whether it is connected with a capable fault off-site" and have further ruled that the Texas Low-Level Radioactive Waste Disposal Authority has also "failed to adequately characterize the basic properties of this fault;"

WHEREAS, the state administrative law judges also determined that the Texas Low-Level Radioactive Waste Disposal Authority "failed to adequately address potential local and regional socioeconomic impacts such as economic growth that might be forgone, adverse impacts on tourism, and social impacts such as those related to perceptions of unfairness in the siting process or perceived changes in the quality of life in the area;"

WHEREAS, the administrative law judges, acting on behalf of the State Office of Administrative Hearings, have recommended that the Texas Low-Level Radioactive Waste Disposal Authority's application to establish a low-level waste disposal site in Hudspeth County be denied;

WHEREAS, twenty Texas counties, thirteen Texas cities, and seven governmental entities from the Republic of Mexico have passed resolutions against the proposed waste disposal site and several delegations from Mexico have visited the State Capitol to voice their opposition to the site;

WHEREAS, the La Paz Agreement between the United States of America and the Republic of Mexico, signed on August 14, 1983, directs that neither country establish facilities with a potential negative environmental impact within 100 kilometers of the international border;

WHEREAS, because of actions taken during a conference committee, the full United States Congress is now considering legislation which no longer contains the limitations and protections for Texas which were part of the original bills passed by each chamber of the Congress; and

WHEREAS, the Governor of Texas has publicly stated that he would oppose the location of a low-level waste site in Hudspeth County if such a site was shown to be unsafe and the Governor should keep his word to the people of Texas;

NOW, THEREFORE, BE IT RESOLVED by the Texas Democratic Party that it officially oppose the placement of a low-level radioactive waste site in Hudspeth County, Texas; and

BE IT FURTHER RESOLVED that the Texas Democratic Party urges the Governor of Texas to recommend that his appointees on the Texas Natural Resource Conservation Commission abide by the recommendation of the administrative law judges and deny the application and permit needed to construct and operate the low-level radioactive waste site; and

BE IT FURTHER RESOLVED that all Democratic state-wide elected officials and all Democratic members of the Texas Senate and Texas House of Representatives be provided with a copy of this resolution.



Texas Democratic Party

**RESOLUTION PASSED BY THE TEXAS
DEMOCRATIC PARTY STATE CONVENTION,
JUNE 27, 1998**

Sierra Blanca Nuclear Waste Dump

Since all six previously created U.S. low-level radioactive waste dumps have leaked and since the proposed Sierra Blanca dump is located near the Rio Grande River, in the state's only earthquake region, and was likely sited because the area's residents are poor and majority Hispanic, the Democratic Party of Texas opposes the Texas plan to license the radioactive waste dump near Sierra Blanca and the plan before Congress to allow importation of radioactive waste into Texas.



League of United Latin American Citizens

NATIONAL PRESIDENT
Derrina

August 25, 1998

NATIONAL OFFICERS

Robert E. Robles
Immediate Past President
Carolina Muñoz
Treasurer

The Honorable William Jefferson Clinton
The White House
Washington, D.C. 20500

Area
President

Ursula Castillo

VP for Elderly

Ada Estrada

VP for Women

Juan Carlos Linares

VP for Youth

Isabel Sifuentes

VP for Young Adults

Jose R. Pacheco

VP for Farmers

Augusta Sanchez

VP for Midwest

Rosita Gonzalez

VP for Northwest

Carlos Lopez Moreno

VP for Southeast

Florencia

VP for Government

STATE DIRECTORS

Richard Finches

Robert Trevino

Arkansas

GU Flores

California

Samay Garcia

Colorado

Concepcion
OF Columbia

Marilda Garcia

Florida

Stratton Frank

Georgia

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Indiana

Betty Vargas

Iowa

Michael Martinez

Kansas

David A. Garm

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Barriantone

Massachusetts

Ramiro Gonzalez

Michigan

John Castro

Nevada

Peggy Arantes

New Jersey

Martinez

New Mexico

Julia Aguilera

New York

Horrojo, Jr.

Oklahoma

Low Mazon

Pennsylvania

Elia Valdes

Rio

Angie Garcia

Texas

Walter Tejeda

Virginia

Dear Mr. President:

On behalf of the League of United Latin American Citizens (LULAC), I would like to express my concern over The Texas/Maine/Vermont Low-Level Radioactive Waste Disposal Compact Consent Act. This piece of legislation, which passed the House on July 29 and will be voted on by the Senate on September 2, proposes the construction of a radioactive waste dump in Sierra Blanca, Hudspeth County, Texas. The Compact would bring shallow unlined soil trenches for the burial of "low-level" radioactive waste to a primarily low-income, Latino community.

LULAC, as the oldest and largest Hispanic civil rights organization in the nation, strongly opposes this piece of legislation. Serious issues of environmental justice and blatant discrimination arise when one considers the Compact. One should not only be against this proposal because of serious environmental and health matters, but also because of the racial discrimination practiced against the predominantly Mexican-American population of the area.

The selection of a poor Mexican-American community (which is already the site of one of the largest sewage sludge projects in the country) appears to be the result of environmental racism. A report published by Dames and Moore, an engineering consulting firm hired by the Texas Waste Authority to find the best location for the dumpsite, concluded that Sierra Blanca had the "clearly exclusionary features of: complex geology and tectonic fault zones." Sierra Blanca was found to be environmentally inappropriate. Although the Compact does not expressly designate Hudspeth County, Texas as the location for the site, the Faskin Ranch near Sierra Blanca has clearly been earmarked as the dumpsite and a draft license has been approved. Trenches have already been dug in the area. Moreover, the unjust selection procedures are in apparent contradiction of the 1994 Executive Order that firmly upheld environmental justice.

There are also matters of international relevance that must be considered. The dumping of nuclear waste near Sierra Blanca, approximately 16 miles from the Rio Grande, would violate the 1983 La Paz Agreement between the

U.S. and Mexico. With this agreement, both nations committed their efforts to prevent, reduce and eliminate pollution in the U.S./Mexico border area. The proposed site is well within the "border area" of 63 miles on each side of the border. The government of Mexico has already expressed its strong opposition to the project.

On behalf of LULAC's 115,000 members across the U.S. and Puerto Rico, I would like to ask you to sustain your 1994 Executive Order and make it clear to Congress that the Administration understands that the Sierra Blanca Dump is a clear example of environmental racism. This would be best achieved by vetoing the legislation if it is passed by the Senate next week.

Further, LULAC would caution your Administration to not be complicit in what has become, whether intentional or not, a repulsive trend in this country - one of setting the most hazardous and undesirable facilities in poor communities with high percentages of people of color. Only a veto, pending the Senate vote, of The Texas/Maine/Vermont Low-Level Radioactive Waste Disposal Compact Consent Act will ensure that this trend is not extended into Hudspeth County.

Thank you for your consideration of this issue.

Sincerely,



Rick Dovalina
LULAC National President