



Nuclear Information and Resource Service

1424 16th Street, NW, Suite 404

Washington, DC 20036

NO ON HR 629
TX/ME/VT COMPACT

**PHOTOCOPY
PRESERVATION**

RESOLUTIONS OPPOSING THE DUMP

*Unofficial Translation of Pronouncements passed by the
Mexican National Chamber of Deputies (Camara de Diputados) and Senate
in opposition to the proposed nuclear waste disposal facility in Sierra Blanca, Texas.
Translation by Richard Boren*

*The Pronouncement was approved unanimously by the Chamber of Deputies on April 27, 1998 and by the Senate on April 30, 1998. The Senate and Chamber of Deputies Pronouncements are nearly identical.
Following is the translation of the Senate Pronouncement.*

**PRONOUNCEMENT OF THE UNITED COMMISSIONS OF
ENVIRONMENT AND NATURAL RESOURCES,
BORDER AFFAIRS, AND FOREIGN RELATIONS
OF THE SENATE OF THE REPUBLIC REGARDING THE
NUCLEAR WASTE DISPOSAL FACILITY
THAT IS PLANNED IN SIERRA BLANCA, TEXAS**

HONORABLE ASSEMBLY:

The United Commissions of Environment and Natural Resources, Border Affairs, and Foreign Relations of the Senate was given for the their study and analysis the point of agreement passed by the Plenary of the Permanent Commission of the Honorable Congress of the Union on February 11, 1998, that is transcribed as follows:

FIRST—That the Mexican Congress, through the Permanent Commission, declares that the proposed project of Sierra Blanca, Texas, like other proposed disposal facilities on the Mexican border, puts at risk the health of the population in the border zone and constitutes an aggression to the national dignity;

SECOND—That the United Commissions of Ecology and Environment, Border Affairs, and Foreign Relations of the House of Deputies and the Senate, meet with the Intersectorial Group made up of the Department of Foreign Relations, Department of Energy, Environment, Natural Resources and Fishing, and the National Commission of Nuclear Safety and Safeguarding, in order to analyze in depth the consequences for Mexico of the installation of the radioactive waste disposal facility in Sierra Blanca and of the disposal facilities of toxic and radioactive wastes in the border zone of the country with the United States of America, with the purpose of carrying out the pronouncements and necessary measures to impede their installation.

In order to proceed and comply with the mandate granted by the Plenary of the Permanent Commission of the Honorable Congress of the Union, the members of the United Commissions of Environment and Natural Resources, Border Affairs, and Foreign Relations of the Chamber of Senators, have analyzed existing documentation and studies about the radioactive waste disposal facility that is planned in Sierra Blanca, Texas, meeting on various occasions to design a political action strategy. Likewise a work session was held with the intersectorial group, with the purpose of integrating the present Pronouncement.

CONSIDERING THAT:

a) the communities on both sides of the border, diverse non-governmental organizations, political organizations, and public officials from Mexico and the United States of America have manifested their total opposition to the construction of the nuclear waste disposal

facility that the government of the State of Texas plans to install in the community of Sierra Blanca, Texas, at a distance of approximately 30 kilometers from the Mexican border;

b) the administrative authorities of the State of Texas convened public hearings with the purpose of hearing the opinions of interested sectors regarding the possible construction of the disposal facility in Sierra Blanca;

c) 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;

d) the intersectorial group—created in 1995 by the Federal Executive Power with the purpose of defining the policy of the Mexican government regarding disposal facilities in the border zone and to continue to review the projects that are planned in the states of the southern United States—wrote a preliminary study regarding the disposal facility being questioned;

e) the United Commissions have received diverse studies that demonstrate the existence of risks in the zone, not only the seismic activity of the terrain, but also due to the meteorological and hydro-geological registers observed in the chosen site. This represents a 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;

f) other adequate sites exist in the United States for the installation of radioactive waste disposal facilities, located outside of the border zone of 100 kilometers which shows that the chosen site in Sierra Blanca doesn't represent the only option for the proposed project;

g) the radioactive wastes that are planned for disposal in Sierra Blanca, next to the Mexican border, don't only include wastes generated in the State of Texas, but also it is foreseen to deposit wastes from the states of Vermont and Maine, located on the border between United States and Canada;

h) the construction of the disposal facility in dispute would violate the spirit of diverse precepts of international law and would implicate the noncompliance of the commitments assumed by the United States after the signature of the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area (La Paz Agreement), particular Article 2 of the Agreement approved in 1983, 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." In like manner, the Agreement commits the Parties to cooperate in the field of environmental protection in the border zone, on the basis of equality, 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 project not be authorized.

On the basis of what has already been stated and being founded in articles 58 and 59 of the Rules for the Interior Government of the General Congress of the United Mexican States, just as for dealing with a matter that merits an urgent resolution of the Honorable Senate of the Republic, due to the adverse effects that this project could have on the health of our population and the natural resources, we present the following Pronouncement.

PRONOUNCEMENT

FIRST—the Senate of the Republic reiterates its 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 expresses its disagreement, concern, and inconformity 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.

SECOND—The Senate of the Republic has carried out an evaluation of the available information about this disposal project, whose result demonstrates that its operation will bring with it potential adverse impacts. Based on this, being aware that the administrative authorities in the State of Texas have convened public hearings with the intention of analyzing the implications derived from the construction of said project, it is appropriate that the Mexican Government reiterate their concern and inconformity in light of the possibility that the project will be authorized.

THIRD—The Senate of the Republic sets forth to the Department of Foreign Relations to consider the formulation of the following proposals to the United States Government:

a) Manifest the disagreement of the Senate of the Republic regarding the policy of the United States that favors the installation of nuclear and toxic waste disposal facilities in the border area.

b) Insist in the possibility of relocating the Sierra Blanca project to a site located outside of the 100 kilometer common border zone.

c) Manifest the wishes of the Senate of the Republic to the members of the House of Representatives of the United States so that they vote against the Compact Law that authorizes the disposal of wastes between the states of Texas, Maine, and Vermont in virtue that 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.

d) Include the subject of the disposal facilities for radioactive and toxic wastes in the next meeting of the Mexico-United States Bi-national Commission in order to:

I. design criteria for the installation and operation of disposal facilities in the border zone of 100 kilometers within the framework of the La Paz Agreement and the Border 21 Program, in order to include the possibility of establishing a reciprocal moratorium on the installation of disposal facilities for radioactive waste inside the 100 kilometer border zone,

II. establish that a group of experts from both countries analyze the impacts of the proposed disposal facilities in the 100 kilometer border zone.

FOURTH—The Senate of the Republic proposes:

a) To inform the Governors and municipal mayors of the states of the Republic of Mexico in the border zone with the United States about the current status of the Sierra Blanca project and other disposal projects that are being planned in the 100 kilometer border zone with the objective of adopting any measures that are considered opportune.

b) To transmit existing information about the Sierra Blanca project to the local legislatures of the border states of the Mexican Republic with the objective of making this information available to them so they can adopt any measures which they consider appropriate.

c) That a multi-party commission of senators be formed with the purpose of meeting with the governor of Texas, George Bush, with the purpose of telling him that the Mexican Senate believes that the Sierra Blanca project violates the spirit of the commitments made with the signing of the La Paz Agreement and that are linked to the state which he governs and which don't contribute to the strengthening of the good relations of friendship and neighborliness that must prevail between both countries.

FIFTH—That the Senate of the Republic proposes including this matter in the agenda of the next interparliamentary meeting between Mexico and the United States.

SIXTH—The Senate of the Republic expresses that this case constitutes a valuable opportunity for both countries to demonstrate their good will, responsibility, and capacity for cooperating in dealing with similar matters of common interest.

SEVENTH—So that the public opinion has greater knowledge on this subject, it is suggested to prepare as soon as possible a document that can be disseminated through the national and international media, in order to express the nature of this problem and the current status of the project in dispute.

Approved in the Honorable Chambers of the Senators April 30, 1998

**RESOLUTIONS PASSED IN OPPOSITION TO THE NUCLEAR WASTE
DUMP AT SIERRA BLANCA, HUDSPETH COUNTY, TEXAS**

(as of June 15, 1998)

RESOLUTIONS PASSED BY COUNTIES (20)

El Paso County	November 2, 1994
Presidio County	July 10, 1995
Jeff Davis County	August 14, 1995
Culberson County	September 11, 1995
Val Verde County	February 26, 1996
Webb County	February 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 Fort Stockton	August 12, 1997
City of Laredo	August 18, 1997
City of Eagle Pass	August 17, 1998
City of Presidio	February 17, 1998
City of McAllen	May 13, 1996

**RESOLUTIONS PASSED IN OPPOSITION TO THE NUCLEAR WASTE
DUMP AT SIERRA BLANCA, HUDSPETH COUNTY, TEXAS**
(as of June 15, 1998) - continued:

RESOLUTIONS PASSED BY MEXICO (7)

City Council of Juarez	January 26, 1995
State Congress of Coahuila	August 2, 1995
State Congress of Chihuahua	November 29, 1995
State Congress of Nuevo Leon	March 19, 1998
National Chamber of Deputies	April 27, 1998
National Senate	April 30, 1998
State Congress of Sonora	May 12, 1998
State Congress of Tamaulipas	May, 1998



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 Opposing
Sierra Blanca Nuclear Waste Dump**

Since all six previously created US 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 the importation of radioactive waste into Texas.

Resolution passed by the Texas Democratic Convention, June 27, 1998.

TEXAS STATE CONFERENCE OF NAACP

Resolution Opposing
The Texas/ Maine/ Vermont Radioactive Waste Compact and
The Siting of Radioactive Waste Dumps in Economically and Politically Disadvantaged
Communities with High Percentage People of Color.
such as and including Hudspeth County. TX

WHEREAS, Hudspeth County. TX. Is a low-income community (1990 census per capita annual income \$7994)

WHEREAS, Hudspeth County, TX. Is a primarily Mexican-American community (66% in 1990, projected to be 74% by 2000 and 81% by 2010) and a high percent Spanish speaking,

WHEREAS, the community does not want the proposed radioactive waste dump (January 1992 state-contracted survey),

WHEREAS, the Texas "low-Level" Radioactive Waste Disposal Authority has submitted a license application for a radioactive waste dump in Hudspeth County, TX.,

WHEREAS, the proposed legislation before the U.S. Congress would grant federal approval to the Texas/Vermont/ Maine Radioactive Waste Compact to facilitate importation of waste to the dump,

WHEREAS, the community is already the location of one of the largest sewage sludge projects in the country (New York City sewage sludge is being spread on ranch land),

WHEREAS, the siting of the radioactive dump appears to violate the 1964 Civil Right Act Title VI which prohibits the use of federal money on programs that discriminate,

WHEREAS, the siting of the radioactive dump, 16 miles from the border, violated the 1983 La Paz Agreement between the US and Mexico in which both countries agreed to prevent, reduce and eliminate pollution sources with the border area,

WHEREAS, the radioactive dump threatens the Rio Grande and communities on both sides of the international border downstream by permitting burial of long-lasting atomic power wastes in soil trenches designed to leak and requiring only 100 years of institutional control,

WHEREAS, a lease option on land adjacent to the proposed radioactive dump indicates potential for long-lasting wastes to be transported, incinerated, and otherwise treated and stored allowing for radioactive emissions into the air threatening the communities downwind,

WHEREAS, the radioactive dump will result in thousands of miles of unnecessary and risky radioactive waste transportation.

WHEREAS, the radioactive waste to be buried, burned, transported and otherwise treated, despite its designation as "low-level" is not low-risk and includes the same radioactive elements as high-level radioactive waste from atomic power and weapons such as plutonium-239 (hazardous 240,000 to 480,000 years), cesium-137 and strontium-90 (hazardous 300-600 years), nickel-59 (hazardous 800,000 to 1,600,000 years) and iodine-129 (hazardous 160-320 million years),

WHEREAS, the Texas/Vermont/Maine Compact, if federally approved, opens the door to unlimited transportation of radioactive waste by allowing the Compact Commission to enter contracts to take radioactive waste from any state, company, agency, country or generator in addition to the waste from the nuclear power plants in Vermont, Maine and Texas,

WHEREAS, the Compact has numerous loopholes in provisions that are touted to limit out-of-state waste to 20% of the amount Texas dumps, and such provisions could actually provide an incentive for incineration,

WHEREAS, the Compact Commissioners who would control the dump, are exempt from federal interstate commerce restrictions may supersede local and state laws and regulations, are unaccountable gubernatorial appointees not liable (as individuals or states) for their decisions which would impact the health and safety of the community and the bioregion,

WHEREAS, US Congressional approval of the Texas/Vermont/Maine Compact will effectively sanction what appears to be environmental racism in the selection of the Hudspeth County site,

WHEREAS, Hudspeth County is one of a growing number of poor, rural communities with a high percentage population of people of color (Native-American, Mexican-American, African-American and others) threatened with radioactive waste from the nation's aging atomic power industry

NOW, THEREFORE BE IT RESOLVED, that the TEXAS State Conference of the NAACP opposes the siting of radioactive waste dumps and facilities in low-income, politically disenfranchised communities with high percentages of people of color, such as and including Hudspeth County, Texas,

BE IT FURTHER RESOLVED, that the TEXAS State Conference of the NAACP opposes the Texas/Maine/Vermont Radioactive Waste Compact.

Approved 10-5-97

Gary Bledsoe, President

Leslie Fields, Member
512-477-1729



ADVISORY BOARD

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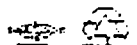
Gordon Clark
Executive Director

Resolution on Nuclear Waste Siting (proposed by Les Breeding, Texas)

*Approved unanimously by the National Board of
Peace Action November 16, 1997*

Whereas a new " regional" compact,
consisting of Texas, Vermont and Maine, is
currently before Congress in order to finance
the construction of a " low-level" radioactive
waste dump in Sierra Blanca (Texas);
whereas radioactive waste dumps have been
sited in low socio-economic and high minority
population areas in Ward Valley (California)
as well as Sierra Blanca (Texas);
therefore the National Board of Peace Action
opposes the siting of radioactive waste
dumps in Ward Valley and Sierra Blanca;
opposes the Texas Low Level Radioactive
Waste Compact Consent Act (HR 629 and S
270); and urges Congress to set as its highest
priority the clean-up of existing commercial
nuclear power and nuclear weapons waste
and production facilities.

Action: Peacenet and/or GRO with contact:
Peace Action Texas, PO Box 18087, Austin,
Texas, 78760 (512/447-8906); Les Breeding;



LETTERS OF OPPOSITION TO THE DUMP

• Sierra Club • League of United Latin American Citizens (LULAC) •
• Physicians for Social Responsibility (PSR) •
• National Audubon Society • Friends of the Earth •
• U.S. Public Interest Research Group • Public Citizen •
• Alliance for Nuclear Accountability • Greenpeace •
• Catholic Diocese of El Paso • Save Sierra Blanca •
*and 109 national, international, regional, statewide and local organizations**

March 11, 1998

Senator
US Senate
Washington, DC 20510
Dear Senator:

UPDATE 8/27/98

**VOTE NO ON HR 629 Conference
Committee Report, TX ME VT Compact**

We ask that you **VOTE AGAINST S. 270**, the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act" because it:

♦ **approves of what appears to be environmental racism that resulted in selecting a poor¹ Mexican American community² which does not want the dump³ and is already the location of one of the largest sewage sludge projects in the country.⁴** It is one of numerous proposed radioactive and hazardous facilities along the Mexican border.

Although the Compact does not expressly designate Hudspeth County, the Faskin Ranch near **Sierra Blanca** clearly has been chosen and a draft license approved. The decision Congress now faces on Compact approval cannot be made in a vacuum, ignoring serious environmental justice questions that have been raised about the site selection process. Congressional approval would make challenging the unjust procedures that have been carried out, in apparent contradiction of the 1994 Executive Order on environmental justice, more difficult because more out-of-state money, pressure and legal commitments will come to bear.

We caution Congress not to be complicit in what has become, whether intentional or not, a repulsive trend in this country of siting the most hazardous and undesirable facilities in poor communities with high percentages of people of color. Texas is second only to California, another proposed radioactive dump state, in the number of commercial hazardous waste facilities located in communities with above-national-average percent people of color.⁵

♦ **deals with intensely radioactive materials** which, despite their classification as "low-level," are **not low risk** and include all the same elements as high-level waste from nuclear power and weapons. Nationally, **nuclear power waste comprises the vast majority and medical waste consistently comprises less than one tenth of a percent of the radioactivity in so-called "low-level" waste.⁶** For Maine and Vermont, 99.5% to 100% is from nuclear reactors⁷ and lasts for centuries. In contrast, medical treatment and diagnosis wastes characteristically have tiny amounts of relatively low-concentrations of radioactivity with very short hazardous lives.⁸ Options other than burial with reactor waste are technically viable and need exploration.

VOTE NO on S. 270

♦ **potentially threatens the Rio Grande** by permitting burial of long-lasting (hundreds to millions of years hazardous⁹), highly concentrated wastes (some can give a lethal dose in about 5 minutes¹⁰) in soil trenches destined to leak¹¹ and requiring only 100 years of institutional control.¹²

♦ **according to the 1993 license application for the Sierra Blanca site, it is part of "the most tectonically active area within the State of Texas."** The atomic waste is proposed to be buried directly above a fault. This presents an **unacceptable risk from earthquakes.**

♦ **violates the 1983 La Paz Agreement** with Mexico in which both countries agreed to cooperate to "...prevent, reduce and eliminate sources of pollution...which affect the border area..." The site, approximately 16 miles from the Rio Grande, is well within the "border area" (63 miles on each side of the border).

♦ **opens the door to waste from all over the country,** despite claims to the contrary. The Compact has numerous provisions¹³ for importing radioactive waste from more generators than those in Maine, Vermont and Texas. The Compact Commission (governors' appointees from Texas, Maine, Vermont and any future party states) will have the power, without legislative or local approval, to enter into agreements to take waste from out of compact.¹⁴ With a majority vote of the Compact Commission and the Texas legislature, other states may become party states. So, to claim that the Compact protects from other states dumping is misleading and false.

♦ **has numerous loopholes in the provisions that are touted to limit out-of-compact waste volume** to 20% of the amount Texas dumps. This is misleading because it is **the amount of radioactivity that is of concern. There is no limit on the amount of radioactivity that can be imported into the proposed Texas dump.** Wastes imported from non-party states via agreements are not subject to the 20% limit. The limit is only an estimate based on a 50-year projection and it can be changed.¹⁵ It does not apply to wastes brought in for "processing." A major radioactive waste processor has entered into an option agreement¹⁶ to lease property neighboring the proposed dump, thus indicating another avenue for unlimited volumes of radioactive waste going to Hudspeth County.

♦ **appears to violate Title VI of the 1964 Civil Rights Act** passed by Congress to prevent discriminatory activities and prohibiting use of federal money for programs that discriminate.¹⁷

♦ **will result in thousands of miles of unnecessary transportation** of dangerous radioactive materials including plutonium, cesium, and strontium from atomic power plants. Wastes will be trucked from Maine, Vermont, east Texas and, very likely, other locations, to the border area.

For these reasons, we urge that you give S. 270 close scrutiny and a "No" vote.

For further information (including contact information on the following signers) please contact Diane D'Arrigo at Nuclear Information and Resource Service (202) 328-0002 (ext 2).

Thank you,

Signers Opposing S. 270 The Texas Compact and Sierra Blanca Nuclear Waste Dump:

VOTE NO on S. 270

ACES/Hudspeth Directive for Conservation
 Alliance for Survival
 Alliance for Nuclear Accountability (formerly Military Production Network)
 Americans for a Safe Future (CA)
 Arizona Safe Energy Coalition
 Asociacion Mexicana de Estudios para la Defensa del Consumidor
 Asociacion Ecologica Santo Tomas
 Audubon Council of TX
 AWARE, Andrews, TX
 Blue Ridge Environmental Defense League
 Border Coalition Against Radiation Dumping
 Border Environmental Network
 California Communities Against Toxics
 Catholic Diocese of El Paso
 Center for Environmental Health
 Citizen Alert (NV)
 Citizen Action Coalition of Indiana
 Citizens Awareness Network (New England)
 Citizens Protecting Ohio
 Citizens at Risk: Cape Cod (MA)
 Citizens Energy Coalition (NJ)
 Coalition for Nuclear Power Postponement (DE)
 Comite de Derechos Humanos de Tabasco
 Committee for a Safe Energy Future (ME)
 Communities Helping Oppose Radioactive Dumping (NJ)
 Connecticut Opposed to Waste
 Consejo Ecologico de Mazatlan
 Conservation Council of North Carolina
 Crescere
 Desert Citizens Against Pollution
 Donald Judd Foundation (TX)
 Earth Day Coalition (OH)
 Earth Island Institute
 Earthjustice Legal Defense Fund
 EarthWINS (WI)
 Environmental Coalition on Nuclear Power (PA)
 Fort Davis TX Chamber of Commerce
 Friends of the Earth
 GE Stockholders Alliance
 Global Resource Action
 Grandmothers for Peace Internat'l
 Greenpeace
 Greenpeace Mexico
 Grupo De Los Cien
 Grupos de Estudios Ambientales
 Hightower Radio
 Hoosier Env'tal Council (IN)
 HOPE (NE)
 Houston Audubon Society
 Indigenous Environmental Network (AK)
 Indigenous Environmental Network
 Internat'l Env'tal Alliance of the Bravo
 League of United Latin American Citizens (LULAC)
 Madres de East Los Angeles

VOTE NO on S. 270

Marfa TX Chamber of Commerce
 Mennonite Central Committee, Wash. Office
 Missouri Coalition for the Environment
 Movimiento Alternativo para la Recuperación de los Ecosistemas
 Nat'l Env'tal Coalition of Native Americans
 National Audubon Society
 NC WARN
 NC Ground Zero
 New England Coalition on Nuclear Pollution
 Nuclear Guardianship Project
 Nuclear Waste Citizens Coalition
 Nuclear Information & Resource Service
 Oilwatch Mexico
 Oyster Creek (NJ) Nuclear Watch
 Peace Farm, Amarillo
 People Organized to Stop Toxics, Dallas
 People for Community Recovery (IL)
 Physicians for Life
 Physicians for Social Responsibility
 Plutonium Free Future
 Prairie Island Coalition (MN)
 Prairie Alliance (IL)
 Presbyterian Church USA, Wash. Office
 Presidio County TX Attorney
 Public Citizen
 Public Citizen Texas
 Radioactive Waste Management Associates
 Rio Grande Restoration (NM)
 Safe Energy Communication Council
 Save Sierra Blanca
 Save Ward Valley
 Shundahai Network
 Sierra Club
 Sierra Blanca Legal Defense Fund
 SMART (Mothers Against Radioactive Transport)
 South West Organizing Project
 Southern Organizing Committee for Economic and Social Justice
 Southwest Network for Environmental and Economic Justice
 Southwest Public Workers Union
 Serious Texans Against Nuclear Dumping (STAND)
 Students for Earth Awareness
 Texans United
 The Greens/Green Party USA
 Three Mile Island Alert
 TriValley Cares
 U.S. Public Interest Research Group
 Union of American Hebrew Congregations
 Union de Grupos Ambientalistas de Mexico
 United Methodist General Board of Church & Society
 Vermont Public Interest Research Group
 Yggdrasil Institute (US/France) ZHABA
 Water Information Network
 West Texas Catholic Ministries
 Westchester Peoples Action Coalition
 Women's International League for Peace & Freedom

¹ 1990 Census of Population and Housing, Hudspeth County, Texas, pg. 1. Per capita income \$7,994.

² Neighbor, Howard D. "Low-Level Radioactive Dumpsiting in West Texas: Another Example of Texas Racism?" University of Texas at El Paso, delivery at WSSA/ABS Meeting, January 22, 1994, p.6: "65% of Hudspeth County population is Mexican American."

³ Telephone survey prepared for Texas Low Level Radioactive Waste Disposal Authority by K Associates, El Paso, TX, January 1992.

⁴ Salopek, Paul and David Sheppard, El Paso Times, "Desert-bound Waste: Poison or Promise?" June 14, 1992. "It will be the nation's largest effort to artificially fertilize desert rangeland with human waste." MERCO Joint Venture, an Oklahoma based waste handler is land spreading NY City sewage sludge in the same area as the proposed atomic waste site.

⁵ Goldman, Benjamin A. and Laura Fitton, "Toxic Wastes and Race Revisited," Center for Policy Alternatives, NAACP and United Church of Christ Commission for Racial Justice, 1994, p.11.

⁶ DOE annual State-by-State Assessments of LLRW Shipped to and Received at Commercial Disposal Sites 1985-1995.¹

⁷ State-by-State Assessment of Low-Level Radioactive Wastes Received at Commercial Disposal Sites, DOE/LLW-181 (1993), DOE/LLW-152 (1992), DOE/LLW-132 (1991), DOE/LLW- 224 (1994), DOE/LLW-237 (1995).

⁸ Hamilton, Minard, "Radioactive Waste: The Medical Factor," Nuclear Information and Resource Service, January 1993.

⁹ The hazardous life of a radioactive material is generally 10 to 20 half-lives, the time it takes to decay to a thousandth to a millionth of the original amount. The radioactive waste from atomic power plants that would go to Sierra Blanca includes plutonium-239 hazardous for 240,000 to 480,000 years, iodine-129 hazardous for 170 to 340 million years, cesium-135 hazardous for 20 to 40 million years, cesium-137 hazardous for 300 to 600 years, nickel 59 hazardous for 800,000 to 1.6 million years.

¹⁰ Cesium-137 can be present in "low-level" radioactive waste up to 4600 curies per cubic meter (NRC 10 CFR 61.55 "Waste Classification."), and that amount can deliver a lethal dose in approximately 5 minutes.

¹¹ Nuclear Regulatory Commission (NRC) regulations 10 CFR 61.41 "Protection of the General Public from releases of radioactivity" allows "[c]oncentrations of radioactive material [to be]...released to the general environment in ground water, surface water, air, soil, plants, or animals" that results in doses up to 25 millirems/year to whole body and any organ but the thyroid which can receive 75 millirems/year. "Millirems are an expression of biological damage to tissue from ionizing radiation and not directly measurable. Such a standard is unenforceable, relying upon unverified computer modeling to predict, not guarantee, compliance."

¹² NRC regulations 10 CFR 61.59(b) NRC "Institutional control. ...institutional controls may not be relied upon for more than 100 years..."

¹³ HR 629/S.270: Section 2.01(13) Texas, Maine and Vermont are only the "initial" party states; Section 3.05(6) Authority to "[e]nter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal...;" Section 7.01 "Any other state may be made eligible for party status..."

¹⁴ HR 629/S.270: Section 3.05 (6).

¹⁵ HR 629/S.270: Section 7.09. The compact expressly provides for contracting and compacting with more states.

¹⁶ "Option Agreement," The Scientific Ecology Group, Inc. and Cynthia Hoover, March 7, 1994.

¹⁷ Carman, Neil J., Lone Star Chapter Sierra Club, "Civil Rights and Environmental Justice Executive Order applicability to proposed Low-Level Radioactive Waste Dump near Sierra Blanca, Texas" letter, June 24, 1994.



League of United Latin American Citizens

July 31, 1998

Dear Representative:

On behalf of the League of United Latin American Citizens (LULAC), I urge you to vote No on the Conference Committee Report for *The Texas Maine Vermont Radioactive Waste Compact*. LULAC is the oldest and largest Hispanic civil rights organization in the nation. Since 1929, we have been providing a voice to our community throughout the U.S. and Puerto Rico. A major concern of ours is the proposed site of a nuclear waste dump near Sierra Blanca in Texas.

As you know, *The Compact* proposes the construction of shallow, unlined soil trenches for the burial of "low-level" radioactive waste. LULAC strongly opposes this Compact. Serious issues of environmental justice and blatant discrimination arise when one considers this bill. One should not only vote 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.

Just this month, two Texas administrative law judges recommended the Sierra Blanca compact dump license be denied because of severe geological problems and unanswered questions about environmental racism. If Congress ignores these problems and approves the compact, thus funding the dump, tremendous pressure will be placed on the political appointees at the Texas Natural Resource Conservation Commission to approve the license despite the judges' recommendation to deny it.

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. Although the bill does not expressly designate Hudspeth County as the location for the site, the Faskin Ranch near Sierra Blanca has clearly been earmarked and a draft license has been approved. 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.

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 in communications to the U.S. Department of State.

LULAC would caution Congress to not 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.

Thank you for your consideration of this issue. If you need more information please call Cuauhtémoc Figueroa, Director of Policy and Communications at (202) 408-0060.

Sincerely,

Rick Dovalina
LULAC National President

TEXAS HOUSE OF REPRESENTATIVES

CAPITOL OFFICE

P.O. Box 2910

Austin, Texas 78768-2910

(512) 463-0622

(888) 209-7613 TOLL FREE

(512) 463-5896 FAX



DISTRICT OFFICE

6070 Gateway East

Suite 508

El Paso, Texas 79905

(915) 778-9960

FAX (915) 778-4065

★
Norma Chávez

July 28, 1998

To: U.S. House of Representatives
From: Texas State Representative Norma Chavez

Re: BEFORE YOU CAST YOUR VOTE ON HR 629

Representatives,

I am outraged that U.S. House rules are being suspended in order to accommodate the utility industry's special interest.

The purpose and intent of a Rules Committee is to protect the process and the citizens of this great nation and her individual states. A conference committee, through the committee process, stripped HR 629 of two critical amendments. The Doggett amendment, passed by 3/4 of the U. S. House and unanimously by the Senate, would have made Congressional approval of the tri-state agreement contingent upon allowing only Texas, Vermont and Maine to send their nuclear waste through various states across the nation, to a small community less than 30 miles from the U.S./Mexico Border.

The Wellstone amendment, also unanimously passed in the Senate, would have clarified the legal rights of local residents and business owners to challenge discrimination based on color, national origin, race, or income level, and was also removed.

I must inform you that the Texas Legislature has not approved a waste facility that will allow 50 states to store their nuclear waste in Texas nor did it approve a compact that promotes environmental racism.

In fact, on July 7, 1998, two administrative law judges released their recommendations that the license application for the Sierra Blanca site 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".

I am adamantly opposed to the location for various reasons, but list here two of the most critical: La Paz Agreement and Water Aquifers for El Paso, Texas, Juarez, Mexico and West Texas. The La Paz Agreement signed into law August 14, 1983 by President Reagan of the United States and President Lopez Portillo of Mexico, was a pre-NAFTA side agreement mandated by the citizens of this country to protect the environment. This agreement is the environmental agreement to which, in 1996, the Paso Del Norte Air Quality Task Force was established. The purpose and intent was to establish environmental cooperation and to offer a venue and opportunity for both countries to discuss issues or public policy that could adversely affect the environment in both countries. Article 4 establishes the boundary as "100 kilometers on either side of the inland and maritime boundaries between parties" and Article 6 maintains that both parties "pursue in a coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environment in the border area". In addition, Texas Revised Civil Statutes Annotated Part 45.50 states that a nuclear facility will not be placed where "areas shall be avoided where tectonic processes such as faulting, folding seismic activity or volcanism can occur".

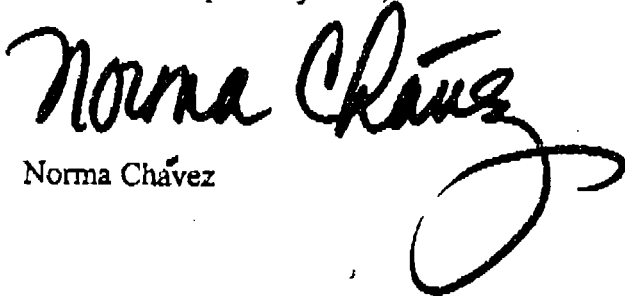
Two aquifers provide water to El Paso/Juarez and West Texas. The Hueco-Mesilla Bolson, the current water source for El Paso/Juarez, lies directly below El Paso and goes through Hudsbeth County to Sierra Blanca. Our future water source, is the West Texas Bolsons (three to four bolsons that surround Sierra Blanca and lead to the Rio Grande). These water bolsons are directly in the vicinity of the proposed site.

We are clearly in violation of the La Paz Agreement when we threaten the very life source of both the United States border area and the border communities of Mexico. Especially, when as recent as April 13, 1993 a 5.6 earthquake was registered in the immediate vicinity. Mexico is adamantly opposed to this facility and has ratified the La Paz Agreement, thus making it a treaty. Relations with Mexico, post-NAFTA, must be built on trust and respect of treaties, agreements and accords with this country. NAFTA would be non-existent without the La Paz Agreement. It is the only environmental agreement that exists between the U.S. and Mexico.

And finally, the opinion of two Administrative Law Judge's stated that the permit for the three state compact be denied "based on the Applicant's failure to adequately address potential negative socioeconomic impacts from the proposed facility." As an officer of the powerful Texas Mexican American Legislative Caucus, I will be asking Caucus members to pass a resolution, at our next business meeting on August 1, opposing the low level nuclear dump site in Sierra Blanca for it's blatant disregard for the La Paz Agreement which would protect not only the environment and future water source of a binational community, but U.S. and Mexican residents living within 100 kilometers of the border. The Mexican American Legislative body will not support environmental racism in our communities.

I ask you to reject environmental racism, to protect the current and future water source of El Paso/Juarez and West Texas, and to honor this country's only environmental agreement with Mexico, the La Paz Agreement, by voting against HR 629.

Yours in the spirit of justice,

A large, stylized handwritten signature in black ink that reads "Norma Chávez". The signature is written in a cursive style with a large, looping flourish at the end.

Norma Chávez

Congress of the United States
Washington, DC 20515

BORDER CAUCUS SAYS NO VOTE ON H.R. 629

September 25, 1997

Dear Colleague:

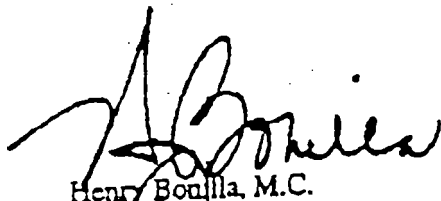
We are writing to urge your active opposition to H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act. As you may recall, this bill is identical to H.R. 558 which was defeated by a vote of 243-176 in the 104th Congress.

This compact is unique because the radioactive waste dump site was selected in advance of federal ratification, thus forcing the dump site to be tied to H.R. 629. The Far West Texas community of Sierra Blanca has been chosen as the site. As you may know, Sierra Blanca is only 16 miles from the Texas/Mexico border and the Rio Grande River. Because of the close proximity of this site to the border and because H.R. 629 is so closely tied to the site, passage of this legislation may negatively impact our relations with Mexico.

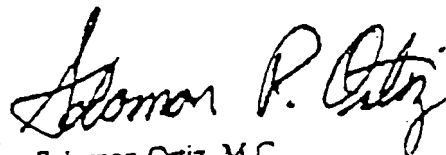
Of particular concern is the La Paz agreement signed in 1983 by the United States and Mexico. The agreement states that both nations agree to "pursue in coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environment in the border area" and to "assess, as appropriate ... projects that may have significant impacts on the environment of the border area, so that appropriate measures may be considered to avoid or mitigate adverse environmental effects." Clearly H.R. 629 is in violation of the La Paz.

Knowing of your interest and sensitivity to maintaining solid relations with Mexico, we urge your active role in defeating this measure. Thank you for your time and attention to this important matter.

Sincerely,



Henry Bonilla, M.C.
Co-Chair of Border Caucus



Solomon Ortiz, M.C.
Co-Chair of Border Caucus

West Texas Catholic Ministries • Catholic Diocese of El Paso
Union of American Hebrew Congregations
United Methodist General Board of Church and Society
United Church of Christ Office of Church and Society

Oct 4, 1997

Dear Honorable Representative:

The Texas/Maine/Vermont Radioactive Waste Compact, H.R. 629, is strongly opposed by a broad variety of organizations, national and regional religious, environmental and environmental justice groups, and local governments in both the US and Mexico. There is bipartisan opposition in Congress, including strong opposition by members of the Texas delegation. In fact the Compact was soundly defeated in September 1995 in the House.

Congress must be fully aware of the clear connection between authorization of this Compact and the Sierra Blanca site which is being licensed currently. Congress cannot deny the fact that the Compact (in sections 4 and 5) provides for \$55,000,000 in funding from Maine and Vermont for the dump with the first payment due shortly after Congressional consent is granted.

We ask that you vote against the Texas Compact, H.R. 629 because it:

1) appears to *violate the 1964 Civil Rights Act* prohibiting use of federal money for programs that discriminate--A Title VI Complaint has been filed and is being amended against the DOE, NRC, EPA and the Maine, Texas and Vermont agencies that they fund for their roles in selection and development of the Sierra Blanca site;

2) *Environmental racism*--Sierra Blanca is nearly 70% Hispanic, with low income--less than \$8000 per person per year income according to the 1990 census.

3) It gives Congressional approval to a Compact which is defending the selection of a *highly controversial dumpsite* along the *Mexican Border* which *violates the 1983 La Paz Agreement with Mexico*;

4) increases *risk of loss of property value* to the local community, already the location of one of the largest sewage sludge projects in the world--for NYC sewage sludge;

5) *Threatens the Rio Grande* just 16 miles down-gradient and is *in a high risk earthquake zone* with a fault lying just beneath the proposed burial trenches;

6) facilitates more generation and burial of long-lasting, biologically active radioactive wastes including *plutonium, cesium and strontium* from nuclear power plants. *No compact is needed to manage the short-lasting wastes from medical treatment and diagnosis*;

7) will result in *thousands of miles in unnecessary nuclear waste transportation*.

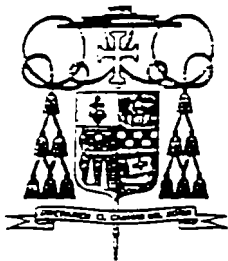
Sincerely,

Paz Artaza-Regan
United Methodists
General Board of Church and Society
202-488-5649

Mark Pelavin
Union of American Hebrew Congregations
202-387-2500

Father Ralph Solis
West Texas Catholic Ministries
Catholic Diocese of El Paso
915-283-2042

Charles McCollough
United Church of Christ
Office of Church and Society
202-543-1517



Catholic Pastoral Center
Diocese of El Paso

*Office of
the Bishop*

June 6, 1997

*U.S. House of Representatives
Washington, D.C. 20515*

Dear Members of Congress:

On behalf of the Catholic Community of the Diocese of El Paso, I write with great concern about the passage of HR629/S270, the Texas Radioactive Waste Compact Bill. Our Diocese includes the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Reeves, Winkler, Ward and Loving.

We are concerned for the health, well-being of the people in this area and the dangers that this proposed waste site imposes on the surrounding low income communities. There has been little consideration given for the welfare of the people in the area where the waste site is to be located. The Diocese of El Paso is concerned about the injustice that the community of Sierra Blanca has to endure because their voice is not as powerful as other interests in favor of the proposed waste site.

We in the Catholic Diocese of El Paso implore that Congress not cooperate with Texas in this hazardous and undesirable endeavor. I ask that you vote against HR629/S270 should it come to the House Floor and support an environment favoring life and health for these communities.

Thank you for your attention to our concerns and for any efforts in successfully voting down HR629/S270.

Sincerely,

+ Armando X. Ochoa

*Most Reverend Armando X. Ochoa, D.D.
Bishop of El Paso*

PSR



Telephone (202) 898-0150
Facsimile (202) 898-0172

PHYSICIANS FOR SOCIAL RESPONSIBILITY®
1101 Fourteenth Street Northwest Suite 700 Washington DC 20005

July 22, 1996

Dear Representative,

On behalf of the more than 17,000 health professionals our organization represents, we urge you to oppose HR 558, the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act," or Texas Compact. The Act is not necessary for the disposal of medical and research nuclear waste and could present significant risks to public health.

HR 558 could present significant public health dangers. The Texas Compact would result in thousands of miles of transportation of dangerous radioactive materials, potentially putting millions of Americans at a public health risk. Nuclear wastes would be transported from Maine, Vermont, east Texas and, likely, other locations to the Texas-Mexico border area.

The Texas dump is not needed for the disposal of medical and research nuclear waste. Medical and research nuclear waste does not and will not accumulate to a degree that warrants the Texas nuclear waste site. According to the U.S. Department of Energy, nuclear waste from medical and research facilities constitutes less than 0.01% of the radioactivity of nuclear waste going to operating disposal sites. The vast majority (over 93%) of the radioactivity is from nuclear power plants.

Moreover, the radioactivity of medical and research nuclear waste is much shorter-lived (<90 day radioactive half life) than other types of nuclear waste, notably that of nuclear utilities. In fact, some research and medical facilities prefer to store short-lived "low-level" wastes on site in monitored facilities because it is more economical.

The Texas nuclear waste dump is neither a responsible nor safe way to address the nuclear waste problem. We urge you to exercise sound judgment and leadership and oppose HR 558. Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Robert K. Musil".

Robert Musil, Ph.D.
Executive Director



DAVIS MOUNTAINS TRANS-PECOS HERITAGE ASSOCIATION

29 Communications Square 900 N. Elm • P.O. Box 1209 • Alpine, Texas 79831 • Phone: (915) 837-346 • FAX: (915) 837-7445

October 8, 1997

Via facsimile
(202) 224-0776

Honorable Kay Bailey Hutchison
United States Senate
Washington, D.C. 20510-4304

Re: S-270 TX-ME-VT Compact
Amendment Needed

Dear Senator Hutchison:

The members of the Davis Mountains Trans-Pecos Heritage Association ask that you help protect West Texas from the health, economic and ecological devastation that the TX-ME-VT Radioactive Waste Compact will impose on our area if it is voted into law with the wording as it currently reads. Supporters of this compact in Texas state that the compact is meant to protect Texas from receiving radioactive waste from all states except Texas, Maine and Vermont. Let's make sure it does just that. Please sponsor an amendment, 1, as the House of Representatives did on October 7, 1997, that insures that no other states except Maine and Vermont may petition to ship their "low-level" radioactive waste to Texas.

We thank you for your support in this most urgent issue.

Very truly yours,

C.M. Van Eman

C. M. Van Eman
President

CMVE/njk

FAR WEST TEXAS COUNTY JUDGES
BREWSTER, JEFF DAVIS, PRESIDIO AND CULBERSON COUNTIES

September 25, 1997

The Honorable Henry Bonilla
The Honorable Phil Gramm
The Honorable Kay Bailey Hutchison

Dear Congressman Bonilla and Senators Gramm and Hutchison:

We are writing to urge your strong opposition to HR 629, the Texas-Maine-Vermont Radioactive Waste Compact. We ask for your cooperation because this legislation will negatively affect the people on both sides of the U.S.-Mexico border and is opposed by local governments in Mexico, Texas and throughout the U.S. Most importantly, the Texas members of the House of Representatives are divided on this legislation with strong, bipartisan opposition from Texas Representatives on behalf of their constituents in West Texas and along the Texas-Mexico border.

The people of West Texas are having this dump site imposed upon them without their fears and concerns being addressed. Community concerns over unhealthy radioactive releases, loss of property values, perceived and actual losses to businesses due to loss of tourism to the area and possible contamination of their scarce underground water supplies have not been heard and will not be addressed in the contested State hearings until after this legislation is brought up for a vote. This is blatantly wrong.

While supporters make claims that the compact is *not site specific*, the truth is that Sierra Blanca was targeted by the Texas Legislature which determined the location of the Hudspeth County site without a detailed geological study (even though there have been numerous earthquakes in the area and is the most seismically active area of Texas.) Do not be deceived, the siting of the waste dump at a site within a 370 square mile box in Hudspeth County was based on politics and not on "sound science." The legislators who were making this decision hoped for very little resistance from the Hudspeth County community. They knew this community was poor and predominantly Hispanic and preyed upon these elements. A vote in favor of this legislation is a vote of approval to environmental racism. This legislation violates Title VI of the 1964 Civil Rights Act prohibiting use of federal funds on programs that discriminate (Federal funds have been used) and it violates the 1983 La Paz Agreement in which the U.S. and Mexico agreed to "prevent, reduce and eliminate sources of pollution" within the "border area." Additionally, the TX-ME-VT Compact contradicts President Clinton's 1994 Executive Order on Federal Actions to Address Environmental Justice in Minority and Low Income Populations which requires the federal government to ensure that people of color and low-income populations are not disproportionately burdened by environmental hazards.

Supporters of the Compact would have you believe that the Texas-Maine-Vermont Compact "protects" Texas; it does, however, just the opposite, and, in fact, triggers \$50 million funding for the dump.

Supporters of the Compact have been lobbying Congress, saying the site is necessary for disposal of medical and hospital waste. In actuality, medical waste comprises less than a tenth of a percent of the radioactivity in "low-level" radioactive waste. What they have not been touting is that the vast majority of the radioactive waste that will be buried at the site will be long-lasting, biologically active radioactive wastes including plutonium, cesium and strontium from aging dismantled nuclear reactors. No compact is needed for managing the short-lived, low concentration wastes from medical treatment and diagnosis.

The vast majority of Texans do not want out-of-state nuclear waste stored or disposed of anywhere in Texas. If this disastrous legislation is implemented, it will result in thousands of miles of unnecessary radioactive transportation, risking millions of unsuspecting citizens unaware of the potency of shipments in or near their traffic lanes. This legislation also shifts to Texas taxpayers liabilities for commercial waste generated under federal licensing.

In the Low-Level Radioactive Waste Policy Amendment Act, the term "low-level" radioactive waste needs reexamination and reclassification. Short-lived, low concentration wastes from medical treatment and diagnosis must not be lumped in an inaccurate definition with deadly, long-lived, biologically active wastes including plutonium, cesium and strontium from aging nuclear power reactors.

Our counties are becoming popular, not only for tourists and retirees, but also for urban refugees. These individuals are coming here largely because of the tranquility and natural beauty of our Counties. As the County Judges of an area larger than many eastern states, we ask that you vote in opposition to this unfair and economically detrimental legislation. Placing a radioactive waste site over our precise West Texas Bolson aquifer, with a natural faultline running under the site, only 16 miles from the Rio Grande River, in the most seismically active region of Texas will significantly mar the very characteristics which draw people to us and expand our economic base.

Again we urge you to vote no and to work against H.R. 629. We appreciate your time and attention to this matter.

Respectfully,



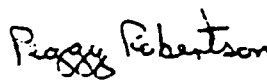
VAL BEARD

Brewster County Judge
P.O. Drawer 1630
Alpine, Texas 79831
Phone 915/837-2412
Fax 915/837-1127



JAKE BRISBIN

Presidio County Judge
P.O. Box 787
Marfa, Texas 79843
Phone 915/729-4452
Fax 915/729-4313



PEGGY ROBERTSON

Jeff Davis County Judge
P.O. Box 788
Fort Davis, Texas 79734
Phone 915/426-3968
Fax 915/426-3760



JOHN CONOLLY

Culberson County Judge
P.O. Box 927
Van Horn, Texas 79855
Phone 915/283-2059
Fax 915/283-9234

July 14, 1998

Governor George Bush, Jr.
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Bush:

On behalf of the city of El Paso, we are writing to you to voice our concerns in opposition to the proposed nuclear waste site in Sierra Blanca, Texas. On various occasions you have stated your concerns for the safety of the people of west Texas. On April 2, 1998, you were quoted by KVIA News 7 Extra as stating, "If the report comes back in any way shape or form not safe, I won't support it."

On July 7, 1998, two Administrative Law Judges for the State ruled that the proposed nuclear waste dump was unsafe. The two judges found that the Texas Low-Level Radioactive Waste Disposal Authority (TLLRWDA) failed to adequately address potential local and regional socioeconomic impacts. Furthermore, the ruling stated that the TLLRWDA failed to adequately determine whether the fault beneath the site is connected with a capable fault off site. It is the city of El Paso's concern, as stated by the ruling, that the TLLRWDA unduly confined the analysis it did perform to Hudspeth and Culberson Counties and that "environmental justice concerns have not been adequately addressed."

Therefore, we ask that as Governor of Texas you keep your word to the people of El Paso, Sierra Blanca, and the entire Southwest by remaining consistent in your assertion that you would never put Texans in harms way. Thank you for your concern in this matter.

Sincerely,

Mayor Carlos Ramirez

cc: Jan Sumrall
Jesus Terrazas
Larry Medina
Stan Roberts
Presi Ortega
Barbara Perez
Luis Sarinana
Elvia Hernandez

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.

Amb. Alberto Székely

CONSULTORÍA JURÍDICA INTERNACIONAL

INTERNATIONAL LEGAL CONSULTING

Derecho Internacional

International Law

Defensoría Ambiental

Derecho del Mar

Law of the Sea

Derecho Ambiental

Environmental Law

Environmental Defense

Prol. de Angelina 10, Entre Ogazón y Río San Ángel, Col. Guadalupe Inn, México, D. F., 01020

Tel. (525) 662-4581 Fax (525) 661-0166 E-mail: aszekely@compuserve.com.mx

STATEMENT BY AMBASSADOR ALBERTO SZÉKELY*

on the

LA PAZ AGREEMENT

between

MEXICO AND THE UNITED STATES

on

**COOPERATION FOR THE PROTECTION AND IMPROVEMENT
OF THE ENVIRONMENT IN THE BORDER AREA**

1. As the chief negotiator for Mexico of the 1983 La Paz Agreement, I am obviously interested in and concerned with interpretations of its text and of the obligations provided in it by the two Parties.

2. I am particularly concerned with attempts to interpret that the La Paz Agreement is not a legal obstacle for the establishment and operation of the proposed Sierra Blanca Nuclear Waste Dump.

3. The La Paz Agreement was negotiated and entered into precisely to prevent a project of that nature from occurring within the border area, and both Parties committed themselves in that regard. This is so because there is now sufficient scientific and technical evidence, which shows that the Dump involves a risk of causing significant transboundary harm, that is, pollution. If there is evidence that the Dump can become a source of pollution, the Parties to the La Paz Agreement are under the obligation to prevent it.

4. That is precisely the obligation provided by Article 2 of the Agreement, in terms which are unequivocally imperative, mandatory and binding. The first paragraph of that Article provides that "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 test is, then, whether it can be proved that a particular project involves the risk of becoming a new source of pollution, which is what triggers the obligation of prevention. Such obligation is typical of international agreements of this nature.

5. Any pretension to interpret the above internationally convened legal language, in the sense that it merely provides for a requirement of consultation or exchange of information, is not only evidently and notoriously contrary to that text, but preposterous as well, as it deprives the Agreement of its essential object and purpose. The international customary law of treaties bans interpretations which are not done in good faith, in accordance with the ordinary meaning to be given to the terms of an agreement, in their context and in the light of its "object and purpose" (see Article 31 of the Vienna Convention on the Law of Treaties which reflects that customary rule). Such interpretation to the La Paz Agreement is clearly not made in good faith and contravenes the intention of its negotiators, and it is certainly not at all what I intended and agreed to when, carrying out the specific instructions of my Government as Head of the Mexican Delegation to the negotiations of the La Paz Agreement.

Amb. Alberto Székely

12. III. 98

* Ambassador Alberto Székely has an LL. B. from the University of Mexico, an M.A. and an M.A.L.D. from the Fletcher School of Law and Diplomacy, Tufts University, a Ph. D. in International Law from the University of London and an Honorary Doctor of Laws from the University of New Mexico. He was the Legal Advisor of the Mexican Foreign Ministry (1983-1991), and a Member of the U. N. International Law Commission (1992-1996). He has taught international law in various U. S. law schools, and is the Research Director of the International Transboundary Resources Center of the University of New Mexico Law School. He is currently on leave from the Mexican Foreign Service and practicing international law and environmental law.

MEXICO-UNITED STATES: AGREEMENT TO COOPERATE IN THE SOLUTION OF
ENVIRONMENTAL PROBLEMS IN THE BORDER AREA*
[Done at La Paz, Baja California, Mexico, August 14, 1983]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED
MEXICAN STATES ON COOPERATION FOR THE PROTECTION AND
IMPROVEMENT OF THE ENVIRONMENT IN THE BORDER AREA

The United States of America and the United Mexican States,

RECOGNIZING the importance of a healthful environment to the long-term economic and social well-being of present and future generations of each country as well as of the global community;

RECALLING that the Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, called upon nations to collaborate to resolve environmental problems of common concern;

NOTING previous agreements and programs providing for environmental cooperation between the two countries;

BELIEVING that such cooperation is of mutual benefit in coping with similar environmental problems in each country;

ACKNOWLEDGING the important work of the International Boundary and Water Commission and the contribution of the agreements concluded between the two countries relating to environmental affairs;

*[Reproduced from the text provided by the U.S. Department of State.

[The Memorandum of Understanding, referred to in Article 23 and which this Agreement supersedes, is reproduced at 17 I.L.M. 1056 (1978).

[An agreement between Canada and the United States concerning acid rain research appears at I.L.M. page 1017.]

REAFFIRMING their political will to further strengthen and demonstrate the importance attached by both Governments to cooperation on environmental protection and in furtherance of the principle of good neighborliness;

Have agreed as follows:

ARTICLE 1

The United States of America and the United Mexican States, hereinafter referred to as the Parties, agree to cooperate in the field of environmental protection in the border area on the basis of equality, reciprocity and mutual benefit. The objectives of the present Agreement are to establish the basis for cooperation between the Parties for the protection, improvement and conservation of the environment and the problems which affect it, as well as to agree on necessary measures to prevent and control pollution in the border area, and to provide the framework for development of a system of notification for emergency situations. Such objectives shall be pursued without prejudice to the cooperation which the Parties may agree to undertake outside the border area.

ARTICLE 2

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.

Additionally, the Parties shall cooperate in the solution of the environmental problems of mutual concern in the border area, in accordance with the provisions of this Agreement.

ARTICLE 3

Pursuant to this Agreement, the Parties may conclude specific arrangements for the solution of common problems in the border area, which may be annexed thereto. Similarly, the Parties may also agree upon annexes to this Agreement on technical matters.

ARTICLE 4

For the purposes of this Agreement, it shall be understood that the "border area" refers to the area situated 100 kilometers on either side of the inland and maritime boundaries between the Parties.

ARTICLE 5

The Parties agree to coordinate their efforts, in conformity with their own national legislation and existing bilateral agreements to address problems of air, land and water pollution in the border area.

ARTICLE 6

To implement this Agreement, the Parties shall consider and, as appropriate, pursue in a coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environmental in the border area. Forms of cooperation may include: coordination of national programs; scientific and educational exchanges; environmental monitoring; environmental impact assessment; and periodic exchanges of information and data on likely sources of pollution in their respective territory which may produce environmentally polluting incidents, as defined in an annex to this Agreement.

ARTICLE 7

The Parties shall assess, as appropriate, in accordance with their respective national laws, regulations and policies, projects that may

have significant impacts on the environment of the border area, so that appropriate measures may be considered to avoid or mitigate adverse environmental effects.

ARTICLE 8

Each Party designates a national coordinator whose principal functions will be to coordinate and monitor implementation of this Agreement, make recommendations to the Parties, and organize the annual meetings referred to in Article 10, and the meetings of the experts referred to in Article 11. Additional responsibilities of the national coordinators may be agreed to in an annex to this Agreement.

In the case of the United States of America the national coordinator shall be the Environmental Protection Agency, and in the case of Mexico it shall be the Secretaría de Desarrollo Urbano y Ecología, through Subsecretaría de Ecología.

ARTICLE 9

Taking into account the subjects to be examined jointly, the national coordinators may invite, as appropriate, representatives of federal, state and municipal governments to participate in the meetings provided for in this Agreement. By mutual agreement they may also invite representatives of international governmental or non-governmental organizations who may be able to contribute some element of expertise on problems to be solved.

The national coordinators will determine by mutual agreement the form and manner of participation of non-governmental entities.

ARTICLE 10

The Parties shall hold at a minimum an annual high level meeting to review the manner in which this Agreement is being implemented. These meetings shall take place alternately in the border area of Mexico and the United States of America.

The composition of the delegations which represent each Party, both in these annual meetings as well as in the meetings of experts referred to in Article 11, will be communicated to the other Party through diplomatic channels.

ARTICLE 11

The Parties may, as they deem necessary, convoke meetings of experts for the purposes of coordinating their national programs referred to in Article 6, and of preparing the drafts of the specific arrangements and technical annexes referred to in Article 3.

These meetings of experts may review technical subjects. The opinions of the experts in such meetings shall be communicated by them to the national coordinators, and will serve to advise the Parties on technical matters.

ARTICLE 12

Each Party shall ensure that its national coordinator is informed of activities of its cooperating agencies carried out under this Agreement. Each Party shall also ensure that its national coordinator is informed of the implementation of other agreements concluded between the two Governments concerning matters related to this Agreement. The national coordinators of both Parties will present to the annual meetings a report on the environmental aspects of all joint work conducted

under this Agreement and on implementation of other relevant agreements between the Parties, both bilateral and multilateral.

Nothing in this Agreement shall prejudice or otherwise affect the functions entrusted to the International Boundary and Water Commission in accordance with the Water Treaty of 1944.

ARTICLE 13

Each Party shall be responsible for informing its border states and for consulting them in accordance with their respective constitutional systems, in relation to matters covered by this Agreement.

ARTICLE 14

Unless otherwise agreed, each Party shall bear the cost of its participation in the implementation of this Agreement, including the expenses of personnel who participate in any activity undertaken on the basis of it.

For the training of personnel, the transfer of equipment and the construction of installations related to the implementation of this Agreement, the Parties may agree on a special modality of financing, taking into account the objectives defined in this Agreement.

ARTICLE 15

The Parties shall facilitate the entry of equipment and personnel related to this Agreement, subject to the laws and regulations of the receiving country.

In order to undertake the monitoring of polluting activities in the border area, the Parties shall undertake consultations relating

to the measurement and analysis of polluting elements in the border area.

ARTICLE 16

All technical information obtained through the implementation of this Agreement will be available to both Parties. Such information may be made available to third parties by the mutual agreement of the Parties to this Agreement.

ARTICLE 17

Nothing in this Agreement shall be construed to prejudice other existing or future agreements concluded between the two Parties, or affect the rights and obligations of the Parties under international agreements to which they are a party.

ARTICLE 18

Activities under this Agreement shall be subject to the availability of funds and other resources to each Party and to the applicable laws and regulations in each country.

ARTICLE 19

The present Agreement shall enter into force upon an exchange of Notes stating that each Party has completed its necessary internal procedures.

ARTICLE 20

The present Agreement shall remain in force indefinitely unless one of the Parties notifies the other, through diplomatic channels, of its desire to denounce it, in which case the Agreement will terminate six months after the date of such written notification. Unless otherwise

agreed, such termination shall not affect the validity of any arrangements made under this Agreement.

ARTICLE 21

This Agreement may be amended by the agreement of the Parties.

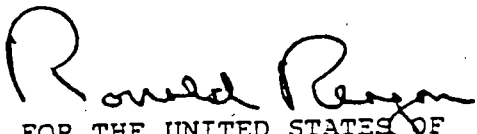
ARTICLE 22

The adoption of the annexes and of the specific arrangements provided for in Article 3, and the amendments thereto, will be effected by an exchange of Notes.

ARTICLE 23

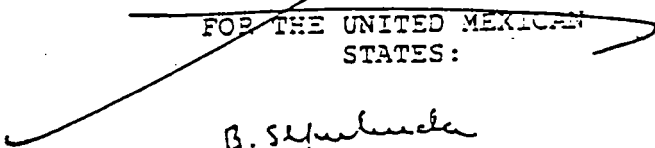
This Agreement supersedes the exchange of Notes, concluded on June 19, 1978 with the attached Memorandum of Understanding between the Environmental Protection Agency of the United States and the Subsecretariat for Environmental Improvement of Mexico for Cooperation on Environmental Programs and Transboundary Problems.

DONE in duplicate, in the city of La Paz, Baja California, Mexico, on the 14th of August of 1983, in the English and Spanish languages, both texts being equally authentic.


FOR THE UNITED STATES OF
AMERICA:




FOR THE UNITED MEXICAN
STATES:


B. Sepúlveda

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.

ALJS' OVERALL RECOMMENDATION

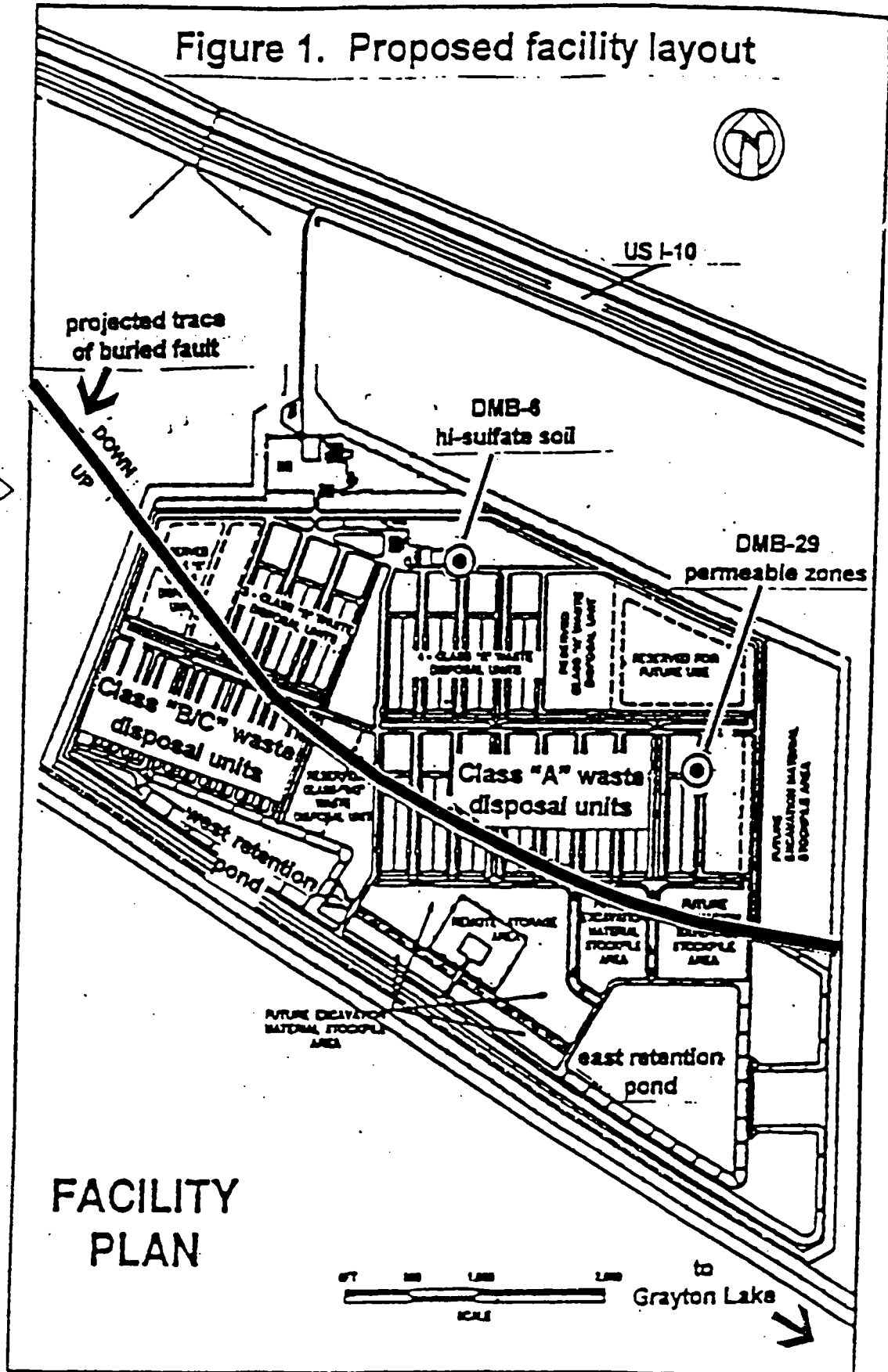
The ALJs recommend that the applications for Radioactive Materials License No. RW 3100 and Water Quality Permit No. 03899 be denied, based on the Applicant's failure to adequately characterize the fault directly beneath the site and the Applicant's failure to adequately address potential negative socioeconomic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

Figure 1. Proposed facility layout



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

**NO NEW DUMPS
NEEDED**

Report Highlights

Excess Capacity for the Disposal of Low-Level Radioactive Waste in the United States Makes the Compact System Unnecessary

by

F. Gregory Hayden, Ph.D.
Nebraska Commissioner
Central Interstate Compact Commission

The main points of a report completed on the excess capacity for the disposal of Low-Level Radioactive Waste (LLRW) in the United States, in conjunction with the decreasing volumes of LLRW, are:

- **Compact System No Longer Needed:** The Low-Level Radioactive Waste Policy Act enacted in 1980 was based on two inaccurate predictions. They were (1) that the three commercial waste facilities would all soon close, and (2) that volumes of waste generated and needing disposal would increase rapidly. Both assumptions were wrong. Today there are still three commercial LLRW facilities, each with excess capacity and the volume of waste has been reduced ninefold. A consensus has developed that in light of existing capacity exceeding demand, new compact sites would be uneconomical. As Governor Ben Nelson of Nebraska has stated: "Economically, it does not make sense to continue building sites which will have a difficult time of being viable because of the high costs, low volumes, and increasing competition."
- **Decreasing LLRW Volumes:** The LLRW volumes generated for disposal have decreased precipitously since 1980 and are continuing to fall at a rapid rate. This is clear in Figure 2 which shows (1) the actual waste disposal in the United States from 1980-1996, (2) a statistically fitted trend calculated from the actual data that demonstrates the overall downward trend in LLRW, and (3) projects the trend to continue to decrease into the future. The volume of waste decreased 39 percent in 1996, after falling 20 percent in 1995.
- **Excess Capacity:** There is currently an excess capacity for LLRW disposal in the United States without any change to current law or practice. There are three commercial LLRW disposal sites--Barnwell, Richland, and Envirocare. Their disposal capacities are as follows:

Barnwell: The Barnwell facility, operated by Chem-Nuclear Systems, has sufficient capacity for approximately 29 years. Thus, without any reduction in waste volume in future years, Barnwell has 29 years of capacity for the 49 states it serves.

Richland: The Richland LLRW facility accepts waste from 11 states and is licensed through the year 2063. The estimates for future capacity at Richland range from 260 years to 300 years at present rates of disposal.

Envirocare: Envirocare takes a subcategory of Class A LLRW from the whole nation. At present levels of demand for their disposal services, Envirocare has approximately 47 years of capacity.

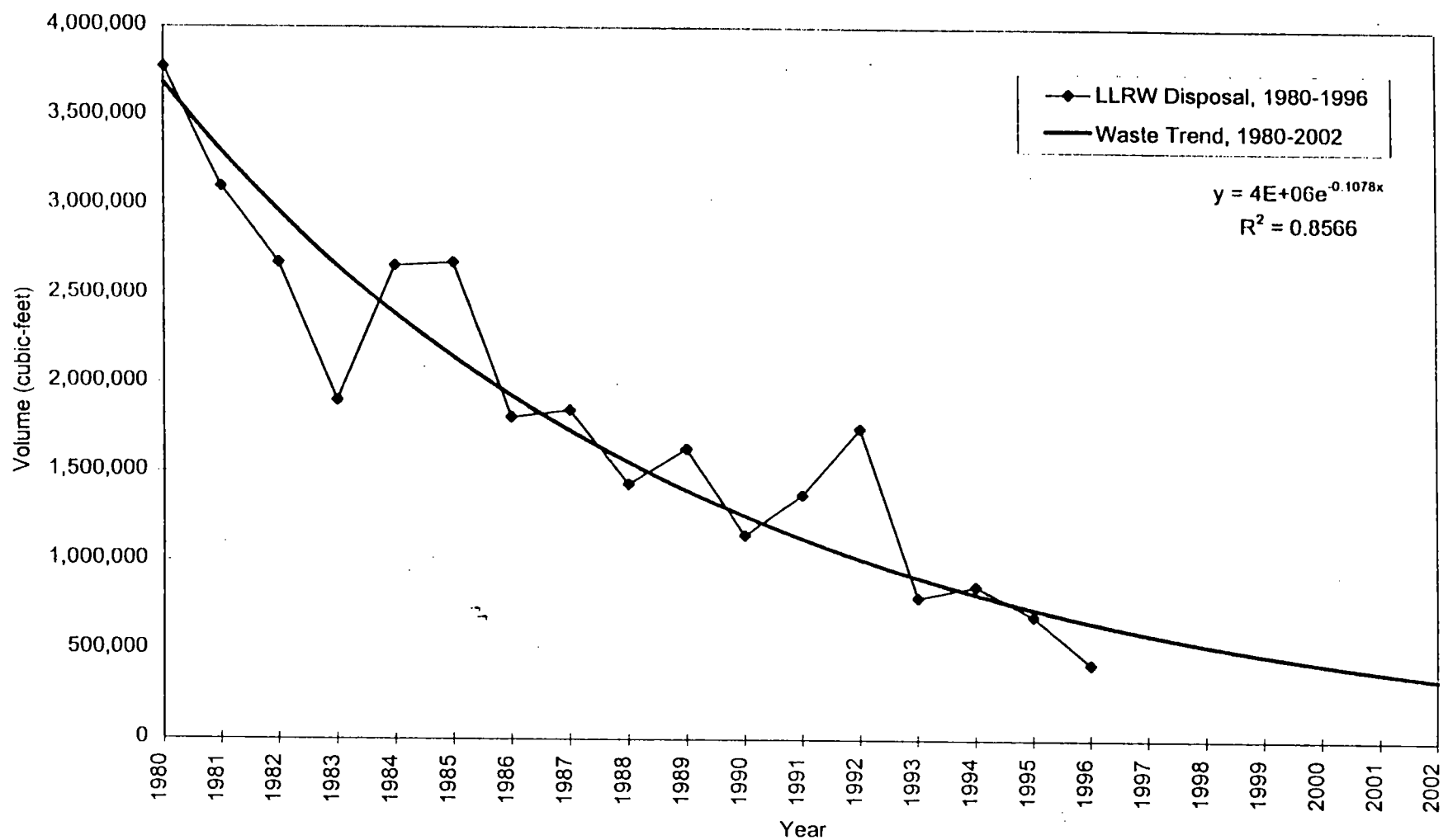
The national excess disposal capacity is due to the large excess capacity available at Barnwell and Richland along with the addition of Envirocare. These disposal sites have had low utilization due to the falling volume of waste since 1980. Thus, a high capacity remains for the future, without any change to the current configuration of which states may ship to which disposal site.

- **Technological Factors and Market Forces:** The steady volume reduction is due to technological factors and market forces. Because disposal costs are based largely on volume, there is a major incentive for generators to use supercompaction and other volume-reduction techniques. This is demonstrated by the fact that although waste volumes are down by a factor of nine since 1980, the radioactivity of those shipments has been essentially constant. Shippers are sending the same amount of radioactivity in fewer packages, dramatically reducing volume and extending capacity of existing disposal facilities. These trends are likely to continue. The data also make clear that dropping volumes are not due to waste being kept in on-site storage rather than being sent for disposal.
- **Vicious Financial Cycle:** The current commercial facilities are caught in a vicious financial cycle. Their revenues are down because of the decrease in demand. They raise price to attempt to increase revenues, yet generators respond to the higher disposal price by further reducing waste volumes. In turn, revenues fall again and the vicious cycle begins anew. All three existing disposal facilities are aggressively trying to find more business because their current capabilities are much greater than the falling volume of waste. New disposal facilities for Compacts are not needed and would not be financially viable. The vicious cycle would only be made worse were there new Compact sites competing with the three existing facilities.
- **New Sites Would Not Be Viable:** Many Compacts have shut down efforts to site a new waste facility because of falling waste streams and the availability of lower cost alternatives at commercial sites. A new Compact site would not be viable for three reasons. First, cost for any new facility is far higher than the costs at current facilities. Second, since there is not enough waste at Barnwell when it draws waste from 49 states, there certainly is not going to be an adequate volume of waste from 3, 4, or 5 states in a Compact. Finally, the small volume of waste available for any new site would not allow the facility to take advantages of economies of scale. Thus, it would not even be able to operate at the low cost

portion of its own cost functions. Beyond new disposal sites not being economically viable, their existence could, in addition, bring down the existing system which is meeting current demand and can continue to do so for decades.

- **Compact Law, Not Demand, Is Driver For New Sites:** The only driver for new sites has been the Compact law, not demand. In the early 1990s, however, the U.S. Supreme Court struck down the mandatory provision of the Low Level Waste Policy Act as unconstitutional, declaring that states were free to open new waste facilities or not, as they saw fit. Since then, recognizing that new sites were not economically viable and that existing sites were cheaper, various states and Compacts have abandoned siting efforts, the most recent example being the Midwest Compact. It is time to recognize nationally, now that the federal mandate has been voided by the Supreme Court, what the market has already decided; new Compact waste sites are neither needed nor would they be economically viable. The current facilities have excess capacity, sufficient for decades, and demand continues to drop.

**Figure 2. LLRW Received at Commercial Disposal Sites in the US, 1980-1996
with Trend Projected for 1997-2002**



Source of Data: U.S. Department of Energy, National LLRW Management Program, Annual State-by State Assessment of LLRW Received at Commercial Disposal Sites.

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H.R. 629

8/31/98

Nuclear waste sites on MX/US border

States along border opposed to Compact ??

Passage of bill = further violation of Exec. Order ?

[Every other site chosen by TX for nuclear waste dump
= predom. Mexican American.

Not ~~more~~ a factor in state decision making to
require consideration of EJ.

Wellstone/Amend: limit waste the 3 states involved
Doyle in the Compact.

Taken out in conference.

(though very strong support in H/S
Committees)

Compact Coalition = Nuclear dump guys (+ Gov. Bush

* Want DOE to come to the table on this issue.

① Ex. order affects what Fed. agencies do
- not Congress; not states

② Issues still pending before the state
(state proceeding taking place)
in which these issues are being considered

Q: compact failed by not including LaPaz agreement considerations.

Veto threat pending the licensing decision (Compact vote postponed (?) until after the licensing decision ?)
Was unanimous consent on the amendments.

No vote count from Sen.

Can litigate the choice based on Title VI ?

~~the~~ fed \$ to the compact ?

thus, their choices can't be discriminatory?

DOE's role ?

assist states to make dump happen.

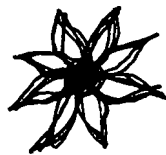
Problem:

The compact does not require that EJ concerns be taken into account and weighted in decision-making process.

\$ from EPA to implement
must uphold fed. standards in licensing ?

TX commission has nothing in the books to ensure that fed law (on anti-discrim) are followed.

[Title VI]



Strengthen Title VI guidance (?)

(what states have to do to comply w/ Title VI)

TNRCC gets \$ from EPA

Need a scalpel, not a sledgehammer

Downside to have veto over roller

Texas Regulatory Commissioners State that *Environmental Justice Questions Must Be Addressed on the Federal Level*

The HR 629 Vote is a Vote on Environmental Justice for Sierra Blanca

A draft license for a nuclear waste dump in Texas has been granted by the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) for the proposed Texas-Maine-Vermont compact. Governor Bush has stated that without the compact, the dump will not be built in Sierra Blanca, which is a low-income, Hispanic community with numerous other existing and expected hazardous facilities. Its selection appears to violate federal environmental justice principles and civil rights.

→ || The issue of **Environmental Justice was not addressed in the state licensing process and will not be addressed** in the remaining time until the final license is granted. The Wellstone Environmental Justice Amendment that was removed in Conference would have addressed this problem.

Commissioners of the TNRCC have stated that **environmental justice questions must be dealt with on the federal level**, because they have no requirements for assessing or dealing with environmental justice concerns.

Chairman John Hall explained the **TNRCC 's position on environmental justice**:

"This whole issue probably needs to be addressed. But it is not this Commission's job to articulate a new major policy of that sort. That has to be left to the United States Congress... That is not our job. Our job is to apply the standards as they exist. And while that may be a very legitimate issue, that is not our job."

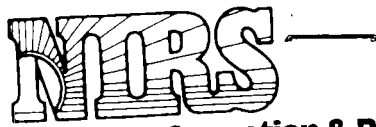
Transcript of the February 8, 1995 Agenda Meeting of the Texas Natural Resource Conservation Commission, emphasis in original.

Further, the Executive Director of the TNRCC stated the following:

"...(E)nvironmental justice is not one of the criteria to be considered under the Texas Radiation Control Act or the rules of the TNRCC in the Commission's decision whether to license the facility."

November 4, 1997 TNRCC ED's Objections and Motion to Strike Prefiled Testimony.

Support Environmental Justice VOTE NO ON HR 629 Conf. Report



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