

SUBJECT: Requiring public notice for new applications to store radioactive waste

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 6 ayes — Chisum, Jackson, Dukes, Howard, Kuempel, Stiles

0 nays

3 absent — Saunders, Talton, Yost

WITNESSES: For — Tom Smith, Public Citizen; Amy Carman, Texas Independent Producers and Royalty Owners Association

Against — None

On — Richard Ratliff, Texas Department of Health, Bureau of Radiation Control; Ben Seabree, Texas Mid-Continent Oil and Gas Association

DIGEST: CSHB 325 would establish requirements for notifying the public of proposed radioactive waste storage sites. The Health and Safety Code would be amended to require the Texas Board of Health and the Texas Natural Resource Conservation Commission (TNRCC) to require by rule that an applicant for a new license to store radioactive waste publish notice of the application. Notice requirements would take effect January 1, 1996.

A notice would have to be published in a newspaper of general circulation in the county in which the proposed site would be located, appearing either on the day of the filing or within the three previous days.

The notice would have to include the site location, the storage activity and kind of waste to be stored, the name and address of the applicant and the telephone number and address of the appropriate agency to contact for information. The notice would also have to state that the public had a right to attend any hearing about the authorization.

The notice requirement would not apply to the storage of radioactive waste that has a half-life of less than 300 days, encapsulated special-form radioactive material that falls under U.S. Department of Transportation rules, waste storage by the Pantex nuclear weapons disassembly facility near Amarillo, storage of naturally occurring radioactive material (NORM) waste or oil and gas NORM waste.

The Texas Board of Health and TNRCC would be required to adopt rules to implement and enforce the requirements of CSHB 325 on September 1, 1995, with the notice requirements imposed by January 1, 1996.

SUPPORTERS  
SAY:

CSHB 325 would keep the public informed about applications for storage of radioactive materials in their area. Current law requires only that a notice be published in the Texas Register *after* the application has been accepted and the license issued, except in the case of radioactive waste facilities that want to store or process waste sent from others. The law allows a citizen to call for a hearing and challenge the application, but not to have notice in advance.

CSHB 325 would give citizens the opportunity to inform themselves about proposed waste facilities and possibly participate in the process. Sometimes citizens become unnecessarily alarmed about proposals to store waste nearby, when if they had all the facts they would be reassured.

Excluding new applications to dispose of NORM waste, which is naturally occurring radioactive waste that poses little hazard to the public, would be a reasonable exemption from the notice requirement. There are large numbers of small oil and gas drilling sites in rural areas of Texas that occasionally produce some pipe scale, a hardened precipitate from the insides of drilling pipes, which presents little risk to the public but is sometimes classified as NORM waste. Disposal and handling of NORM waste is already heavily regulated by the health department and the Railroad Commission. It would be an unnecessary burden and regulatory overkill for oil producers to have to publish notice every time they prepared to dispose of a small amount of dirt or put a piece of pipe with scale on it on a shelf.

Requiring a public hearing, rather than notice, for every application, regardless of whether there is opposition, is unnecessary and would be very expensive for the state.

OPPONENTS  
SAY:

The bill should be strengthened to require public meetings as well as public notice about applications to store radioactive waste, and agencies should be required to consider public testimony when making decisions about proposals for storage of radioactive material. This would give the public meaningful input regarding proposed sites in their area.

The notice requirement should apply to license renewals and authorizations as well as applications for new licenses. Very few new applications for radioactive waste storage are filed — probably as few as five a year — while about 2,000 storage facilities already have licenses. Health department rules on amendments to existing licenses are so broad that a facility's entire purpose may be altered by an amendment. The public has a right to know about these radical changes.

NORM waste storage should not be exempted from public notice requirements. NORM can be just as hazardous as other types of radioactive waste when it is concentrated. Exposure is limited in most situations, but storage of NORM waste could increase the likelihood of cancer, birth defects and other adverse effects.

NOTES:

HB 325, as filed, would have required the Board of Health and the TNRCC to hold public meetings about any new radioactive material storage license or renewal application, or general license acknowledgement of activities that would involve the storage of radioactive material. Public testimony would have been considered when deciding whether or not to issue or renew a license for storage of radioactive material. The original bill specified that notice of hearings would be published in the *largest* newspaper in the county rather than a newspaper of general circulation in the county, as in the committee substitute.