

SUCCESSFULLY BURYING LOW-LEVEL WASTE FOR FUN AND PROFIT

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ABSTRACT

The state of Washington, now receiving more than half the nation's waste, is here to provide a practical review of the benefits of having a low-level waste disposal site and to provide our perspective on how the state of Washington carries out its responsibilities through regulation of that disposal site. This information is offered in the hope that it may be useful to other states when they accept their responsibility to provide for the disposal of their low-level radioactive waste. The 1980 Low-Level Waste Policy Act very directly gave the responsibility for finding and developing new waste disposal capacity to the states. Through the process of compacting, the states have begun to accept this responsibility. From Washington's perspective, however, the progress shown to date, especially in some states generating very large amounts of waste, has not been adequate to meet the 1986 deadline.

You can tell from the program and my attitude that I am from the state of Washington. You know that Washington is one of three states with operating low-level waste disposal sites and that we are directly impacted by the Low-Level Waste Policy Act of 1980. You could probably guess that my message to you, if it could be condensed into a single sentence, is still: Move forward as rapidly as possible in the development of new low-level radioactive waste disposal site capacity in order to reduce the volume of waste coming to Washington. You also might expect me to deliver threats detailing the dire restrictions which will be imposed upon the rest of the nation by the Northwest Interstate Compact if Congress does not consent to our Compact before January 1986 and the rest of the country does not get on with the process. You just might expect me to say those things and, believe me, the temptation to enumerate the proposed restrictions is great. But I will not do that. I will try a different tack. For today's presentation I would like to pretend to be Tom Sawyer painting Aunt Polly's fence, tempting you to join us -- with your own paint and paint brush, of course. There are benefits which accrue to states which host a low-level waste disposal site, even in the adverse political light which low-level waste may find itself.

DIRECT BENEFITS

In its 1982 session, the Washington State Legislature imposed a Business and Occupation tax on all low-level radioactive waste disposal site operators, taxing the gross revenues of site operators at the rate of 30 percent. The 1982 legislature was

hard pressed to find large sources of revenue without overly burdening an electorate which was already plagued by one of the highest unemployment rates in the nation. A Business and Occupation tax on the undesirable commodity of radioactive waste, therefore, became a very attractive issue since most of the revenue would come from out-of-state sources. This low-level radioactive waste tax, projected at approximately \$8 million per year, was one of the larger sources of revenue anticipated in the new tax package. This low-level waste tax is a significant revenue source which can operate in favor of keeping the low-level waste disposal site in operation as the state of Washington continues to be strapped for funds.

INDIRECT BENEFITS

One of the larger indirect benefits of hosting a low-level radioactive waste disposal site is an increased public awareness about nuclear related issues. This awareness was first heightened in 1980 with Washington's Initiative 383 campaign, the Don't Waste Washington initiative. You will recall that Initiative 383 would have banned the importation into Washington of out-of-state radioactive wastes. Initiative 383 was one of the first state laws to formally recognize that regional groupings of states should manage low-level radioactive waste. It also spoke of exclusivity for these regional groupings. Both of these concepts are fundamental to the Low-Level Waste Policy Act of 1980. In Washington, the public awareness generated as part of the Initiative 383 campaign continues. In a recent opinion poll¹, 49 percent of a representative portion of Washington

State residents could describe where low-level waste was generated. It is surprising to see the general population be so informed about such a highly technical area.

Not only are Washington's citizens better informed, but also the state's radiation control program staff tend to be better informed on a wider range of radiation protection issues. The state of Washington is an Agreement State; that is, it has entered into an agreement with the U.S. Nuclear Regulatory Commission to license and inspect routine uses of radioactive materials, including uranium mills and low-level radioactive waste disposal sites. Washington and most Agreement States have a relatively small staff handling many diverse specialty areas. Whereas the Nuclear Regulatory Commission tends to have more specialized staff, the Agreement States generally tend to be jacks of all trades, requiring cross-training in many disciplines. This reliance on cross-training enhances regulatory control over low-level radioactive waste disposal issues, and also brings extensive waste management expertise to other waste generators in a state. We believe the cross-training concept allows us to give better service to the other licensees in the state; it provides a better understanding of the whole problem of radioactive materials usage, from receipt and use, to generation of waste through transportation, and eventually to disposal. Since much of the knowledge required to regulate low-level radioactive waste in the state of Washington is transferable to other licensees, the state's program has taken advantage of this opportunity to have a well trained and well equipped staff.

The low-level radioactive waste management program in the state of Washington is entirely self supporting. Fees are charged to either the low-level radioactive waste disposal site operator or the generator of waste. More than one-third of the total fee charged by the disposal site operator comes to the state of Washington and goes either into the state's general fund, as is the case with Business and Occupation tax revenues, or into one of several perpetual care, closure or surveillance funds. Since the establishment of the disposal site in 1964, contributions to the Perpetual Care and Maintenance Fund have been made, originally at 3¢/cubic foot of waste disposed and now at the rate of \$1.75/cubic foot of waste disposed. In 1982, a Closure Fund was established, with the site operator contributing 25¢/cubic foot of waste disposed into this fund. In 1982 the goal for the Perpetual Care and Maintenance Fund was set at \$6 million and the goal for the Closure Fund at \$1 million. When the goals for both of these funds are reached, the need for additional contributions will be reevaluated. We do not anticipate that these rates will go down significantly. The regulatory activities of the Department of Social and Health Services' waste management program are funded by a surveillance fee of 27¢/cubic foot of waste disposed. The state's Department of Ecology will also be using part of this fund to finance its role as the state's landlord agency. Please recall that the disposal site is located on a 1,000 acre tract leased to Washington by the U.S. Department of Energy. The regulatory effort expended by the state on the radioactive waste management program has been increasing with the result that this 27¢ surcharge may need to be increased to cover our expenses.

A third indirect benefit is that low-level radioactive waste disposal sites tend to enhance the development of nuclear related industries in the immediate area. The disposal site at Richland was established originally to bring about private sector

growth in nuclear related industries in Washington's tri-cities area. The Barnwell, South Carolina site is also attracting nuclear related industry into South Carolina. This industry magnet can increase the revenue base for a state or local agency.

POLITICAL REALITIES

There are political realities which must be dealt with. First of all, the "not in my backyard" or NIMB syndrome is as alive and well in Washington as it is in any other state in spite of my claim to our being better informed. There is tremendous impatience over the length of time it is taking to divide the country up into compact regions and develop new disposal capacity. This impatience recently manifested itself in the legislature with the introduction of a bill requiring the third party inspection of waste coming to Washington. We do not believe the legislature necessarily wanted to inspect the waste for safety purposes; rather, the legislature intended to reduce the volume of waste coming here for disposal. The bill appeared to be designed to put pressure on those regions and individual states which have not been making significant progress in their compacting efforts.

The establishment and maintenance of additional disposal capacity is essentially a political problem. People must believe that the risk/benefit balance is in their favor, and on the benefit side. With Washington generating less than 1 percent² of the nation's low-level waste product while receiving for disposal more than half the nation's waste, the risk/benefit ratio is not in Washington's favor even with the benefits cited. This is even further evidence that the rest of the nation must assume its responsibilities for low-level waste disposal faster.

PHILOSOPHY AND OPERATION

Superimposed on the political reality of NIMB are the even more real constraints imposed by the law. The radiation control program in the state of Washington is charged to protect the public health. The program views this responsibility in a very broad fashion and sees that we have a responsibility not only for the disposal site but also to the generators of waste. Within the constraints allowed under the Agreement State program, Washington strives to minimize unnecessary exposure to radiation not only at the disposal site, but also at the point of generation. It has been our experience that through cooperative, open, and responsible communication on both sides, i.e., by the generator/disposal site operator and the regulator, waste can be disposed in a manner which optimizes safety for all concerned. We have found both the waste disposal site operator and most of the generators to be anxious to do things right, and we believe our philosophy must be working.

The Radiation Control Section strives to regulate the low-level radioactive waste disposal site like any other major licensee. We have found that we have been most effective in our regulation when we have established such cooperative, open, responsible communication, and that it does indeed exist on both sides. Communication between the licensee and the regulator must be done in a cooperative posture. That is, there must be a spirit of working together to solve the problems at hand. There can be no hidden agenda or misinformation between the two lest distrust develop. The communication must be responsible. Everyone recognizes the licensees must take reasonable and responsible action to comply with the regulations and conditions of the license. What is not so readily understood, at least by regulators, is that the

regulator has a commitment to the public to neither under- nor over-regulate. Certainly, there are two sides to the regulatory fence which divides the different and distinct purposes of the regulator and the regulatee. Whereas the regulator must assure the safety and health of people and the protection of the environment through regulation, the licensee sees his purpose as safely disposing of radioactive material for profit. The two purposes may not always be perfectly aligned. Communication is then the key to successful regulation, and it boils down to this:

1. The regulator must REQUIRE what is needed.
2. Both parties must UNDERSTAND what is required.
3. The licensee must ACHIEVE what is required.
4. The regulator must determine the ADEQUACY of the action taken.

We want to thank you for this opportunity to explain how painting Aunt Polly's fence can be, and is, both fun and profitable. Washington stands ready to help other states, and particularly the compacting regions, to develop their own disposal site capacity. All you need is your own paint and your own brush.

REFERENCES

- ¹ "Nuclear Waste in Washington: Citizens' Awareness and Information Needs", Communication Design, Seattle, WA, November 1983.
- ² DOE/LLW-27 T "The 1982 State-by-State Assessment of Low-Level Radioactive Wastes Shipped to Commercial Disposal Sites", December 1983, Conference of Radiation Control Program Directors, Inc., Frankfort, KY 40601.