

A RATIONAL APPROACH TO LOW-LEVEL WASTE IN MASSACHUSETTS

Calvin Brantley - New England Nuclear
Richard Smith - Special Legislative Commission on Low Level Waste, Massachusetts

Here is a quote from the WALL STREET JOURNAL for February 21, 1984, concerning Massachusetts. "These people are irrational, they are from Mars. They are the largest generators of nuclear waste in New England and they have insisted for four years that they won't have a site. They have a million reasons why they should be the exception." The quoted speaker was a Congressional Committee aide.

Therefore, let me re-introduce myself. I'm a man from Mars. My normal green tinge has been bleached by the Tuscon sun.

One part of the WALL STREET JOURNAL article from which I just quoted was correct. Multistate pacts on nuclear waste have hit snags. It now appears that the next new disposal site will be in single state or two state compacts. Therefore, New England and Massachusetts in particular are not irrational if they are compared to other compact areas. Other areas have compacts, usually with limited membership, but no sites. Even compacts with currently usable sites appear to be meeting difficulties.

This then becomes my thesis. A compact is a legal document. It is not a disposal site, nor even a reasonable approach to one. The situation reminds me of a story. A bystander was watching a group of stone cutters working near a partially finished cathedral. When he asked one stone cutter what he was doing, he received this answer, "I'm cutting stone". A second cutter, when asked the same question, said "I'm cutting stone". However, a third cutter gave a different answer, "I'm building a cathedral". The congressional aide quoted above has limited vision. The compact process is only a part of the required result which is an environmentally sound, publically acceptable site.

So what has happened in Massachusetts? The story goes back to 1981, right after the Low Level Waste Policy Act of 1980 became law. A group of radioactivity users in Massachusetts formed an organization called NELRAD. No, it is not an acronym. It is Ed Tarnuzzer's attempt at one, resulting only in a hint at New England, low-level and radioactive. At that time, Massachusetts had just completed and passed a Hazardous Waste Facility Siting Act that established a novel public involvement process for siting a waste facility. Legislative personnel and NELRAD thought it was a good idea to copy this act to use the same process for a low-level waste site. House Bill 6877 was the result.

The result can only be described as terrible. Interpreting 6877 as a bare-faced attempt by industry and nuclear power to bulldoze a site into Massachusetts, the Massachusetts Nuclear Referendum Committee (MNRC) used the petition process to get Question 3 on the ballot in 1982. This referendum required both legislative and state-wide voter approval of either a compact or a proposed low level

waste site. The votes could only occur after the site was characterized and a license had been issued on a specific design and operational procedure for the site.

In answer to the referendum, the legislature dropped H.B. 6877 and set-up a Special Legislative Commission to recommend a siting process and legislation to establish this process. NELRAD worked hard to get this change.

In November 1982, Question 3 became Chapter 503 of the Massachusetts General Laws by 65% affirmative vote.

What happened should be a lesson to all of us proposing projects that are seen as environmentally questionable. It is much better to establish your communications with potential adversaries early rather than late. Take the time to find out who opposes you, who has the questions, who has the time and the inclination to work on a solution, to build a consensus.

Today in Massachusetts, NELRAD, the Association of Independent Colleges and Universities of Massachusetts, the Massachusetts Hospital Association, the League of Women Voters, the Massachusetts Association of Conservation Commissions, Mass. PIRG, Sierra Club, and the Mass. Nuclear Referendum Committee all meet on a weekly basis to work toward a solution that will meet the requirements of the Waste Policy Act of 1980, the needs of low-level waste generators and the citizens of Massachusetts. The meetings are either part of the Special Legislative Commission, a sub-committee of that commission, or an Ad Hoc Task Force to the Governor which has been organized and is chaired by the Undersecretary for Environmental Affairs. The Secretary for Economic Affairs has begun an economic survey to determine the value of radioactive materials and their uses to the economy of the state.

What are we doing? Three principal areas are: 1) a siting process - the technical and political requirements for a site in our state, 2) a management process - evaluation of a public authority versus a private developer and 3) a compact that meets the stated objections of the citizens of Massachusetts to the CONEG sponsored Northeast Compact.

What are their objections? In hearings held in several cities and towns last spring it was clear that the vocal part of the public objected to several aspects of the Northeast Compact:

1. Too much power was given to a regional commission and not enough power to a host state.
2. Too little emphasis was placed on waste management - volume and source reduction by all party states.

3. The host state selection process failed to address environmental issues.
4. Liability coverage for environmental failures or third party tort cases was inadequate.
5. Public participation in the siting and management processes was missing.
6. There was too much interference with Massachusetts environmental laws - Chapter 503 and MEPA requirements.

A more surprising result of these hearings came from a distinct group who felt that Massachusetts should solve its own problem by ignoring other states and setting up a small site to handle disposal of our own waste. This attitude was obviously a reaction to accepting radioactive waste from Three Mile Island, from New York's five reactors and Connecticut's three reactors.

About this same time it became clear that the other states in the proposed compact felt that Massachusetts was not a valid partner to the compacting process because of Chapter 503. It appeared that they would only talk to us if we got rid of its voter approval requirements. With a 65% yes vote on this question, no legislative solution to this is in sight.

We have begun a dialogue process to develop solutions. With the coalition I described earlier, we are developing technical criteria and social/economic facility siting criteria. These are based on Part 61 licensing requirements but will be extended to cover specific needs of Massachusetts for its climate and geology. These criteria are expected to be completed by June 1, 1984.

The coalition process has also resulted in a redraft of the CONEG compact to address the public's concerns outlined above. That redraft is to be available for discussion both in Massachusetts and other northeast states in the near future.

The waste management plans, including interim storage on the generator's site, have been developed. Licensees in Massachusetts have been notified of these plans. We now expect that waste and source reduction procedures developed by the thirteen largest generators, generating 95% of our low level waste, will result in 1987 volumes of waste at 1/3 the level generated in 1982. We also expect to take care of most of our waste after 1986 through 1991 except for a few thousand cubic feet of Class C waste. We are evaluating all possible procedures to become independent of present sites. But I, at least, anticipate a continued need for a few hundred cubic feet of waste capacity. We will need to negotiate with the current sites to find a way to get them to accept these materials.

What have we learned from this process? The environmentalists view industry and government with suspicion. To adopt Linn Draper's statement of Monday morning, they believe we are often wrong, but seldom in doubt. They will talk to us, however, if they believe we are leveling with them and are willing to do something to answer their questions. They are willing to spend as many hours working on the problem as we are willing to spend with them. It is possible to set goals cooperatively in open discussion.

I believe that the Governor and the legislature will be able to act in July, 1984, on the recommendations and programs developed by the coalition of waste generators, industry and institutions, and the environmental organizations of the state.