

## THROUGH THE REGULATORY HOOP

Nancy P. Kirner, Supervisor  
Waste Management Unit  
Department of Social and Health Services  
State of Washington

### ABSTRACT

There are many Regulatory Hoops through which waste generators, brokers, and disposal site operators must jump to dispose of waste safely. As the proposed exclusionary date of January 1, 1986, approaches, these regulatory hoops have the distinct possibility of multiplying or at least changing shape. The state of Washington, in its role as an Agreement State with the U.S. Nuclear Regulatory Commission, licenses and inspects the commercial operator of the Northwest Compact's low-level radioactive waste disposal site on the Hanford Reservation. Washington has received as much as 53%, or 1.4 million cubic feet per year, of the nation's total volume of waste disposed. To control such a large volume of waste, a regulatory program involving six agencies has developed over the years in Washington.

### REGULATORY PROGRAM

The state of Washington's Agreement State agency, the Department of Social and Health Services, has licensing and inspection programs which must be compatible with the requirements of the U. S. Nuclear Regulatory Commission. This program has a staff of nine people involved in licensing the disposal site operator, performing on-site inspections, data processing, issuing site-use permits to waste generators and brokers, and providing assistance to activities of the Northwest Interstate Compact for Radioactive Waste Management. Currently, two on-site inspectors survey day-to-day disposal operations and review the licensee's adherence to approved procedures. An annual compliance inspection is also performed by a separate cadre of inspectors. This annual inspection program is intended to give a snapshot view of the extent of compliance with the license while maintaining an outsider's fresh viewpoint. During the last annual site inspection, conducted in October, 1984, three inspectors closely observed operations and records for three days. No items of non-compliance were found, the compliance history of the licensee has been generally good. The disposal site license has been generally good. The disposal site license has been amended to reflect federal constraints for waste disposal with the incorporation of pertinent portions of 10 CFR 61.

The state of Washington also maintains independent data processing capability designed to verify the licensee's monthly activity and volume reports. This data bank was designed to allow easy retrieval of specific disposal information which may be requested by the legislature, Northwest Compact or other states. In addition, the data processing capability assists in the issuance and maintenance of approximately 1500 site-use permits held by generators and brokers of low-level waste throughout the nation.

When the state of Washington finds an errant waste generator or broker through its aggressive compliance program, corrective action is required. Generators and brokers with serious violations have their privilege to dispose of waste in Washington suspended. Warning letters and telephone calls are also effective deterrents for less serious offenses. In spite of its increasingly aggressive and sophisticated inspection techniques, the state of Washington has found the suspension rate declining: 3.7% of all shipments had serious violations in 1980, compared

with 0.7% in 1983 and 1984. The state's inspection program appears to be contributing to better packaged and labeled shipments of radioactive waste.

When suspension does not appear to be an appropriate deterrent in itself, the state of Washington requires the site user to attend a management conference in its Olympia offices. The management conference is an excellent opportunity for both regulator and regulated to understand why and how the shipment was in error and to effect positive correction.

The Department of Social and Health Services acts in association with other state agencies. The Washington State Patrol inspects shipments of waste as they enter through the two ports of entry designed for radioactive waste shipments. Intrastate vehicles carrying waste are inspected quarterly by the Utilities and Transportation Commission. Waste is not accepted at the disposal site without proof of these inspections. The record of vehicle inspections since September, 1980 indicates the rate of maintenance items (minor violations) has not decreased, but, in fact, has increased from 28% in 1980-1981 to 47% in 1983. The Washington State Patrol does not allow vehicles with major violations to proceed. The proportion of vehicles with major violations has been reported to be decreasing.

The Department of Ecology plays a major role in the management of radioactive waste as both landlord and policy-setter. The Washington low-level waste disposal site is the only commercial facility located on federally-owned land. One thousand acres is leased to the state of Washington; of that thousand acres, one hundred acres is subleased to the commercial disposal site operator. The disposal site is located in the middle of the Hanford Atomic Energy Reservation, land which has been dedicated for energy research and nuclear development. The state's Department of Ecology holds the leases with the federal government and the site operator, US Ecology. The Department of Ecology also represents the state on the Northwest Interstate Compact for Radioactive Waste Management and serves as the administrative arm of the Washington Nuclear Waste Board, an organization formed to give direction and set policy for Washington's participation in radioactive waste activities.

## COSTS

What is the cost of this regulation and control, and who pays? Ultimately, the generator of waste and the consumer of the generator's product. A \$.27 per cubic foot surcharge is collected by the site operator from the waste generators, which funds nine people and operates the major portion of our regulatory program. This site surveillance surcharge amounts to approximately \$325,000 per year. Washington also funds the activities of the Northwest Compact Committee through an \$80 annual site-use permit fee from the waste generators and brokers.

The latest amendment to the lease between the site operator and the state of Washington provided for an accumulation of a closure fund at the rate of \$.25 per cubic foot. The closure fund has reached \$1 million. This same lease, administered by the Department of Ecology, requires the collection of \$1.75 per cubic foot for the Perpetual Care and Maintenance Fund. This fund has accumulated \$6 million. Collection of \$2.00 per cubic foot will continue while the amounts necessary for closure and perpetual care are reevaluated, as called for in the lease. These two funds are designed to assure that the state has the resources to close and maintain the site after operations cease, for whatever reason.

In addition to these fees, the legislature has imposed a 33% business tax on low-level radioactive waste disposal operations. This state tax amounts to approximately \$6 million annually for the state's general fund.

## FUTURE

The question plaguing most generators and states is: What will happen after 1986? Many actions are possible. The Washington State Legislature is playing an increasingly large role in low-level waste management. It is very outspoken and uneasy about the large portion of that waste which is generated in Washington's site. Already introduced into the Washington legislature are bills calling for:

- Third party inspection programs;
- Volume reduction schedules that progressively limit the volume of waste which can be received from 90% to 50% of 1984 totals, which will apply until the Northwest Compact is ratified by Congress;
- A transportation tax on all shipments of radioactive waste, to be assessed by activity, on the order of \$10.00 per curie;
- An extension of the 33% business and occupations tax to all industries which are related to radioactive waste management;
- Various rearrangements of administrative responsibilities of state agencies over certain aspects of radioactive waste.

The bills on third-party inspection, volume reduction and transportation taxation have not been passed out of committee. The legislature appears to be encouraging Congressional ratification of the compacts.

The size of the Regulatory Hoop will probably be getting smaller. Non-sited regions and states try to assure disposal capacity in sited regions. Meanwhile, sited regions and states are equally adamant to have a more advantageous perceived cost/benefit ratio. Attention shifts from the individual compacting regions to Congress. Washington will continue to work on problems that have delayed congressional action on the compacts and which threaten a sound and reasonable national disposal system. However, as a state, Washington is very reluctant to continue to accept the majority of the nation's low-level wastes.