

MEETING THE POLITICAL REQUIREMENTS FOR SITING A LLRW FACILITY IN MAINE

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ABSTRACT

Maine has a well established network of anti-nuclear activists, who have widespread support among the populous due in part to the DOE's unsuccessful search for a high level radioactive waste repository in Maine. This strong anti-nuclear feeling has contributed to the adoption of legislation which requires a series of voter approvals prior to siting an in-state low-level radioactive waste (LLRW) disposal or storage facility. Maine's siting process for a LLRW facility has been structured to meet these voting provisions, with an emphasis on public input and participation. This siting process emphasizes citizen involvement, and provides financial incentives to gain municipal and landowner support. It is too early to gauge the programs success; community opposition to hosting a LLRW facility remains strong, but there is public support for the methods being used in the siting process.

INTRODUCTION

Maine has historically had a strong anti-nuclear movement. In 1980, 1982, and 1987 anti-nuclear activists initiated voter referenda to shut down Maine Yankee, the State's only nuclear power plant. All three referenda were defeated at the polls, but only after extensive and expensive advertising campaigns by Maine Yankee. Through the three shutdown campaigns the anti-nuclear activists became highly organized, forming several groups which are still very active in the State.

The anti-nuclear groups developed considerable grassroots support in 1986 with the Department of Energy's announcement that two sites in the State were under consideration as potential host sites for the nation's second high level waste repository. One of these proposed sites included an area beneath a portion of Sebago Lake, the drinking water supply for Portland- Maine's largest city.

Since 1987, when the DOE abandoned its search for a crystalline repository site for high level radioactive waste and the Maine Yankee shutdown referendum was defeated for the third time, Maine's anti-nuclear activists have shifted their focus to low-level radioactive waste (LLRW). With a publicly acknowledged goal of fighting any LLRW disposal option, the activists have opposed having the state enter into a contract with Nevada to guarantee disposal capacity from 1990 to 1993, have opposed the in-state siting process, and more recently, have lobbied Texas Legislators to reject any steps which might eventually lead to a Texas-Maine compact.

THE POLITICS OF RADIOACTIVE WASTE DISPOSAL IN MAINE

The DOE announcement that two sites in Maine were under consideration for a high level waste repository triggered a state-wide interest in radioactive waste issues, and affected politics in Maine. Maine's Governor Brennan, formerly a supporter of nuclear power, became an advocate of shutting down the plant. The spokesperson for a leading anti-nuclear group, the Citizens Against Nuclear Trash, was elected to the State Senate, and later became the chairwoman of the Legislature's Energy and Natural Resources Committee. Several other state legislators with strong anti-nuclear views were elected or reelected to the State House and Senate.

It was during the legislative session immediately following the DOE announcement that the Maine Legislature created the Low-Level Radioactive Waste Authority (Authority), in response to the Low-Level Radioactive Waste Policy Amendments Act of 1985. The Authority was established to site, construct, and operate a LLRW storage or disposal facility within Maine, in the event that no out-of-state disposal arrangements could be found.

Anti-nuclear activists had a strong influence on the Authority's enabling legislation. Their lobbying efforts produced a number of legislative provisions designed to ensure that a LLRW facility would only be established if public acceptance could be obtained. Under Maine law, before any facility can be built in state the Authority must:

1. Obtain approval by a vote of the residents of the municipality where the facility is to be located (by a 60 percent margin);
2. Obtain approval of the voters of the state in a state-wide referendum (this approval must also be obtained before entering any out-of-state contracts or compacts); and
3. Obtain approval by the State Legislature.

In addition, the site must be purchased from a willing landowner, since the Authority was not given eminent domain powers.

Amendments to the Authority's enabling legislation which were adopted after 1987 have strengthened the siting requirements to require voter approval for LLRW storage as well as disposal sites, and to require the Authority to study means of waste reduction. A bill to expand the sixty percent municipal vote to include all residents within 12 miles of a proposed site was defeated in the 1991 Legislative session, but has been reintroduced this year.

MAINE'S SITING PROGRAM

The Authority's siting program has been divided into two tracks, a technical screening program and a volunteer site evaluation program. The technical screening program is designed to identify sites most likely to meet regulatory requirements. This state-wide screening has been underway since 1988. In 1989 siting criteria were developed, and a digital database of the state's natural resources was compiled. This

information was used to establish maps of areas to be excluded in the site selection search. In 1990 the database was enhanced to allow the selection of twelve regions of the state with the highest percentage of non-avoided/non-excluded land. Within these twelve regions more detailed map compilation was conducted, including the digitization of Soil Conservation Service medium intensity soils maps. In December, 1991, twenty nine potential disposal sites were identified within these twelve regions. After gathering further technical information on these potential sites approximately ten sites will be selected for preliminary on-site studies in the Spring of 1992.

The volunteer site identification program was initiated in 1990 to encourage willing landowners to offer their land to the Authority. Under this program owners of parcels of land in excess of 200 acres were notified that they could voluntarily offer their land for sale to the Authority. More than 100 owners expressed interest in the program; their parcels were evaluated against the Authority's technical siting criteria, and six month option agreements were entered into for nine sites which appeared most promising. Pre-characterization studies were conducted on these nine parcels; option agreements were renewed for a one year period on three of the nine sites. The options were dropped on the other sites due to unfavorable characteristics being identified during site pre-characterization.

The Authority's siting process has been structured to meet the provisions established by the Legislature, with an emphasis on public input and participation. Three aspects of Maine's program are especially important for meeting these political hurdles: citizen involvement, municipal acceptance, and landowner interest.

Citizen Involvement

Early in the siting process a citizens advisory group was formed, with membership solicited from business and environmental groups, waste generators, interested individuals, municipal officials and anti-nuclear activists. The activists have been the most vocal members of this group.

The Citizens Advisory Group (CAG) functions independently of the Authority; their meetings are moderated by a neutral moderator. As an independent group, the CAG is often highly critical of the Authority's decisions. No votes are taken by this group; instead an attempt is made to form a consensus on different issues. The Authority is not bound by the CAG's advice, but tries to utilize their input to the greatest extent possible.

The CAG has given the Authority advice on numerous siting issues, and helped to develop the Authority's siting criteria. This group has also participated in discussions of facility design, legislative issues, and facility monitoring. The Authority feels that this group has provided valuable input, and is especially important as a forum for citizens to air their concerns about the Authority's activities. Nevertheless, there are many critics of the CAG activities and the money which has been expended for the group to function. There is also concern among many CAG members that they not be perceived as helping the Authority in its mission, which would be in conflict with their broader goal i.e., shut down the Maine Yankee.

Municipal Acceptance

Another important aspect of the Authority's activities has been to keep municipal officials informed of the Authority's process, and of the possible risks and benefits of hosting a facility. Over sixty luncheon meetings have been held with municipal officials across the state; representatives of more than half of Maine's towns have been in attendance. Public Informational Meetings have been held in most prospective host communities, and Authority staff have participated in numerous debates with anti-nuclear activists. Authority sponsored Open Houses, where informational booths are established by the Authority, waste generators, and anti-nuclear groups have also been held in several towns.

The 29 potential disposal sites identified in December, 1991, are located in 15 towns and 8 unorganized townships. Officials from these communities have been asked to join the CAG, and Authority staff have worked closely with the townspeople to provide information on LLRW. Each community was asked to provide technical information on the suitability of the potential sites, and was reimbursed for expenses incurred in gathering existing information. This information will be compiled along with data gathered by the Authority's consulting team in the site selection process.

When the candidate sites are identified, potential host communities will be offered grants to form independent citizens advisory committees. These committees may research LLRW issues, oversee the Authority's activities, travel to existing LLRW facilities, and hire their own consultants to evaluate on-site studies.

Among the benefits which will ultimately be offered to the host community are negotiable incentive payments of \$500,000 to \$1,000,000 per year, along with complete compensation for any impact the facility may have on the community. Funding for the benefits package will be assessed to generators through a surcharge on waste brought in to the facility. A separate self insurance fund has been set aside through current assessments on Maine Yankee, in order to assure communities that funding will be available to remediate any problems which may occur.

Landowner Interest

The volunteer site identification program was designed to find landowners willing to sell their land to the Authority. Interested landowners whose property appeared suitable were provided \$5,000 to \$36,000 for six month option periods, during which time initial pre-characterization studies were conducted on the land. Additional option periods and ultimate purchase prices were also negotiated with the landowners. The purchase prices negotiated for eight land parcels ranged from \$370,000 to \$1,800,000 for parcels ranging in size from 360 to 4500 acres. The ninth property, owned by Maine Yankee, was offered at fair market value, which would be determined when the specific area of interest within the available land area was selected.

Efforts are now being made to encourage owners of land identified in the technical screening program to voluntarily enter option agreements with the Authority. Much of this land is owned by large paper or timber companies, who have been reluctant to offer their land due to public relations concerns.

PROGRAM EVALUATION

It is too early to know if these programs will allow Maine to succeed with its in-state facility siting efforts. Reaction in volunteer and potential candidate site communities has been generally negative to date, with the most vocal opposition in small towns. Anti-nuclear activists have helped to organize opposition in these towns, and are capitalizing on the Authority's activities in order to generate support for a fourth voter referendum to shut down Maine Yankee. In nonbinding votes in three volunteer site towns less than five percent of the voters supported accepting a facility in town. All 23 residents of another volunteer site township have signed a petition opposing the siting of a facility in their township.

Nevertheless, there are a few encouraging signs for the Authority. Many members of the Citizens Advisory Group

who were originally opposed to the Authority have become supporters of the Authority's program. Many town officials have privately expressed some interest in hosting a facility, although no communities have volunteered to host a site. There appears to be state-wide support for siting a facility on the Maine Yankee property, although the level of support within Wiscasset, the town in which the power plant is located, is difficult to gauge. The press has been generally supportive of the Authority's siting efforts: a recent article in the Portland Press Herald recommended that other agencies siting controversial facilities adopt similar procedures.

Entering an out-of-state agreement remains Maine's preferred option, but locating a site in Maine remains a viable alternative, despite the numerous political hurdles the Authority must face.