

Time Can Change Everything

Low-Level Radioactive Waste Amid Changing Realities

By John Weingart

One of the biggest challenges in the siting and construction of controversial land-use projects, as with most major government undertakings, is time. The length of time between the identification of the need for government action and the implementation of a specific response is usually so long that the initial actors, premises, compromises, and even realities can change dramatically.

New Jersey's disposal facility siting acts for hazardous and low-level radioactive waste were each drafted with great input and buy-in from leading environmental and industry group representatives. Five and ten years later when the laws were being implemented, however, those representatives, particularly in the environmental area, had moved on. Their successors had not been party to the compromises and agreements embodied in the law, and they felt detached and sometimes hostile to them.

True, representatives of some environmental groups were interested

in the voluntary siting process and participated in a few of the Siting Board's workshops. But when small groups of people suggested the disposal facility might fit into a particular community, the Sierra Club and the others who had endorsed passage of the laws were nowhere to be seen. They did not rush in to support the vision or the courage of the community members considering meeting the statewide need their group had helped define nor to challenge the misinformation being spread by each fledgling local group of opponents. Radioactive waste disposal was no longer on their front burner, and the current environmental activists, with only a few exceptions, felt no responsibility to help achieve the solution their predecessors had endorsed.

Similar turnover takes place in legislatures. Early in 1998, when the Siting Board was considering stopping its search for a site, only 33 members of the New Jersey Legislature remained from the 120 who had been

in office in 1987 when the Siting Act was negotiated and approved. There was institutional memory among key legislative staff members, but only among a handful of the legislators who had participated in the initial debate and continued to follow the issue. This problem would only be worse in states, unlike New Jersey, that have enacted term limits.

The most significant effect of time is that situations and options evolve and change. Both the Hazardous Waste Facilities Siting Commission and the Low-Level Radioactive Waste Disposal Facility Siting Board were created to address exigent crises. Virtually everyone paying attention to waste disposal in the 1980s, from the Legislature to the press to the activists on all sides, and those who served on the siting agencies they spawned, agreed that something had to be done or the existing capacity would disappear and a vast array of New Jersey enterprises would suffer.

But, in the years that followed, for low-level radioactive waste three unanticipated events changed the situation facing New Jersey and other states. First, the dramatic increases in the cost of disposal led waste generators to institute extensive waste minimization programs. Their initiatives were so effective that the annual volume of low-level radioactive waste generated in New Jersey fell from 200 000 cubic feet in 1980 to about 20 000 by the late 1990s.

The second factor was the opening of the Envirocare facility in Clive, Utah. By 1998, this private sector venture, totally independent of the regional and state agencies created under the federal Low-Level Radioactive Waste Policy Act, was accepting 76 percent of the volume of the nation's low-level radioactive waste. Although this huge quantity contained only a minuscule 177 of the 334 563 curies of radioactivity that needed disposal, Envirocare's operations had the effect of reducing the amount of waste going to the Barnwell, S.C., facility, thereby effec-

THE LLW STORY IN NEW JERSEY

A few years after the passage of the federal Low-Level Radioactive Waste Policy Act of 1980 and of the amendments to that Act in 1985, the New Jersey Legislature passed the 1987 Low-Level Radioactive Waste Siting Act, which established the Low-Level Radioactive Waste Disposal Facility Siting Board. As the Siting Board began to study the problem of siting and building a low-level waste disposal facility in the state, it became intrigued with the idea of a voluntary program. To that end, between 1994 and 1998, until the effort was abandoned, the Board embarked on a tireless yet fruitless quest to find a volunteer community to be the site of such a facility. Last year, New Jersey and Connecticut joined with South Carolina to form the Atlantic Low-Level Radioactive Waste Compact. (South Carolina charged the two states a total of \$12 million for the privilege.) Thus, New Jersey now has guaranteed access to the Barnwell facility and no longer needs its own disposal site.

tively extending Barnwell's long-term capacity.

The third change, the reopening of Barnwell in 1995, was the most unexpected. Much of the impetus for the federal law, and the entire rationale for the New Jersey Siting Act, had been South Carolina's repeatedly expressed desire and plan to close the East Coast's only disposal facility. If the national Republican sweep in the 1994 elections had not carried David Beasley into office as South Carolina's governor, New Jersey's voluntary siting process might have had a different outcome. The Barnwell facility would have remained closed to waste from New Jersey, and the disposal situation might have continued to be viewed as a crisis.

These three changes meant that, by the mid-1990s, waste generators in New Jersey still had a problem, but the magnitude was greatly reduced. For the first time, they had two disposal options for the bulkier, less radioactive waste, and they could comparison-shop between Barnwell and Envirocare. The generators also knew that if one or both of these facilities closed, their available storage space onsite could serve their needs for a longer time due to the decreased volume they were generating each year.

The impact of the unanticipated changes was that the siting agencies lost much of their ability to enlarge their base of support. When access to Barnwell had been cut off, the New Jersey Siting Board had carried to every meeting and event a map showing the 100 locations in the state where low-level radioactive waste was generated. We were able to grab people's attention by pointing out that each dot on the map also represented a place where the waste was being stored at that moment. The question was not whether New Jersey should have a disposal facility, we would say, but whether one carefully located, designed, and operated facility would be better than the 100 interim—and less

well-supervised—storage rooms and facilities now located around the state.

Once South Carolina enabled Barnwell to reopen for the nation's waste in July 1995 and then maintained that policy for a few years, New Jersey's voluntary siting process was doomed. There was no longer an imperative that would attract and retain the "good government" support necessary to crack the wall of public prejudice against anything radioactive.

it. Since Barnwell had reopened and Envirocare was available, the governor's staffers viewed their mission as avoiding putting her in the position of having to defend a controversial project when the need for it was no longer apparent.

Thus, the free market, combined with unexpected election results in South Carolina, averted a crisis and saved the day without New Jersey's ever having to pick a site for a dis-

positions on tough issues.

A case in point is the position taken by New Jersey's then-Gov. Christine Todd Whitman. Over the years, Whitman, like most other governors across the country, had passively let an in-state siting process continue. But when her state's Siting Board surprised most observers by seeming close to an agreement with a possible host municipality and her support would have mattered, she quietly withdrew

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The changes also meant that government leaders had little to gain by supporting the work of the Siting Board. Indeed, the siting experience could be seen to confirm the wisdom and approach of politicians who seek every possible way to avoid taking

positional facility. And neither Gov. Whitman nor radioactive waste generators nor the state as a whole have suffered at all.

If waste were now piling up at 100 locations around New Jersey and drug companies were curtailing research

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in nuclear medicine out of fear that there would soon be no place to dispose of the waste, Whitman would be guilty of shirking political leadership. But since it turned out that the state will get by without building a disposal facility, maybe benign neglect of the problem was appropriate. Governor Whitman saved the political capital that taking a stand would have cost and perhaps may be able to apply it to other public problems. While no one could have predicted that she would later be selected by President George W. Bush to head the U.S. Environmental Protection Agency, Whitman now may have greater latitude to address issues related to waste disposal in her federal role than she would have had if she had become an outspoken supporter of building a facility in New Jersey. Moreover, in that case, Bush might have chosen someone else for the position. ■

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