

Waste Dump Ruling Praised in State

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Blumenthal filed a "friend of the court" brief supporting a New York State lawsuit challenging the law requiring states to dispose of the low-level radioactive waste generated within their borders by Jan. 1, 1996.

The law overturned Friday was passed by Congress in 1985, requiring states that did not provide disposal capacity to assume ownership of such waste. New York, Connecticut and more than a dozen other states represented in the case, deemed the law unconstitutional because it violated each state's sovereignty.

Charlene LaVoie, Winsted's community lawyer and an area leader in Connecticut's anti-nuclear power effort, said the nuclear industry has always been a Federal responsibility, and the high Court's decision vindicates that position, castigating Congress in the process.

"The Supreme Court is saying, 'It's your ball game and you can't conscript the states into doing your bidding,'" she commented. "This is a national

problem, and trying to fragment it into several dozen isolated problems isn't going to deal with the issue. It has to be dealt with in a centralized fashion."

She emphasized that waste generators, and not the state, should also bear a significant responsibility in storing and disposing of low-level waste. High-level waste, such as spent nuclear fuel, is currently stored at nuclear power plants, awaiting a disposal solution from the Federal Government.

Low-level waste encompasses a broad range of dry, solid materials—generated by the state's four power plants and numerous hospitals, research facilities and universities—with varying degrees of radioactivity. The material includes things such as paper towels, protective clothing and tools and equipment that have been contaminated with radioac-

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tivity.

Sixty percent of the total volume of the waste and more than 99 percent of the radioactivity come from Northeast Utilities' nuclear power plants in southeastern Connecticut, which provide more than 60 percent of the electricity used in the state.

Connecticut ships nearly all of its low-level radioactive waste to a dump in Barnwell, S.C. Another Federal law says that existing low-level radioactive waste disposal sites in South Carolina, Nevada and Washington can refuse to accept out-of-state waste as of Jan. 1, 1993.

But Connecticut may be able to continue sending this waste to Barnwell until at least mid-1994, because of an extension granted by the South Carolina legislature, said Republican State Senator James Fleming, an Environment Committee member who represents several northern Litchfield County towns.

"But that is contingent upon a number of things happening," he said, noting that the South Carolina legislature gave the dump the authority to close to out-of-state waste earlier if certain conditions are not met by neighboring states.

While agreeing that the Supreme Court decision is a "victory" and provides Connecticut with "a breather," Mr. Fleming noted the Court looked at the law in a "very narrow way," and that the Connecticut legislature must be vigilant in ensuring that the state has a safe place to store or dispose of low-level waste.

If the waste does not go to Barnwell, "we most certainly do not want low-level radioactive waste being stored all over the state, from a public health point of view," he said.

Mr. Fleming proposed storing the

waste at a single temporary storage facility at Northeast Utilities until a permanent solution is found. "I believe this is much bigger than just the state of Connecticut; it has to be addressed at the Federal level," he said.

Robert Finn, president of Sharon Together Against a Nuclear Dump, the grass-roots organization that has vigorously worked to remove Sharon as a potential dump site, agreed that while he was pleased about the Court ruling, residents cannot just sit back with a sigh of relief.

"The time urgency is not going to be as great now, but there is still a law on the books and until that law is changed, the state is obligated to find a site," he

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Charlene LaVoie
Community Lawyer
Winsted

said, referring to both Federal and state laws. "There is still work to be done. It behooves us, the citizens, to work with local legislators.

"And if Congress re-opens this, it will be a more intelligent process," Mr. Finn commented. "People have really learned a lot. I never knew anything about this before I got involved."

CHWMS spokeswoman Anita Baxter also emphasized that "the Supreme Court ruling doesn't change the state law. The state still has a responsibility to protect public health and safety and until the present law is changed, we must

continue with that process."

While the CHWMS recently sought to extend its legal deadline for a new permanent disposal plan, it received no commitment from lawmakers and now plans to introduce a formal legislative request in January, Ms. Baxter said. While public meetings are planned later this year for input on a temporary storage plan, the CHWMS cannot abandon the permanent facility plan, she said.

"Given that the three existing sites could just shut their doors if Connecticut is not making progress and the probability that a permanent out-of-state solution is not going to be found, the state of Connecticut needs to be doing something about this," Ms. Baxter noted.

Even if the temporary plan is approved by the General Assembly early next year, a new storage facility would not be operational until 1997, she said. Current U.S. Nuclear Regulatory Commission guidelines recommend that low-level waste only be stored for a five-year period.

Though the General Assembly was in special session this week, Mr. Fleming said that a separate session would have to be called to address the next step in this process. He said that it technically could be put off until the new legislature convenes its next regular session in January, since the CHWMS deadline is not until Feb. 1.

Ms. Baxter said that it can meet this deadline for the temporary plan because it need not be nearly as detailed and does not have the same state and Federal requirements imposed upon it as the permanent plan does. The original 1990 plan was not required to be approved by the legislature, she said.