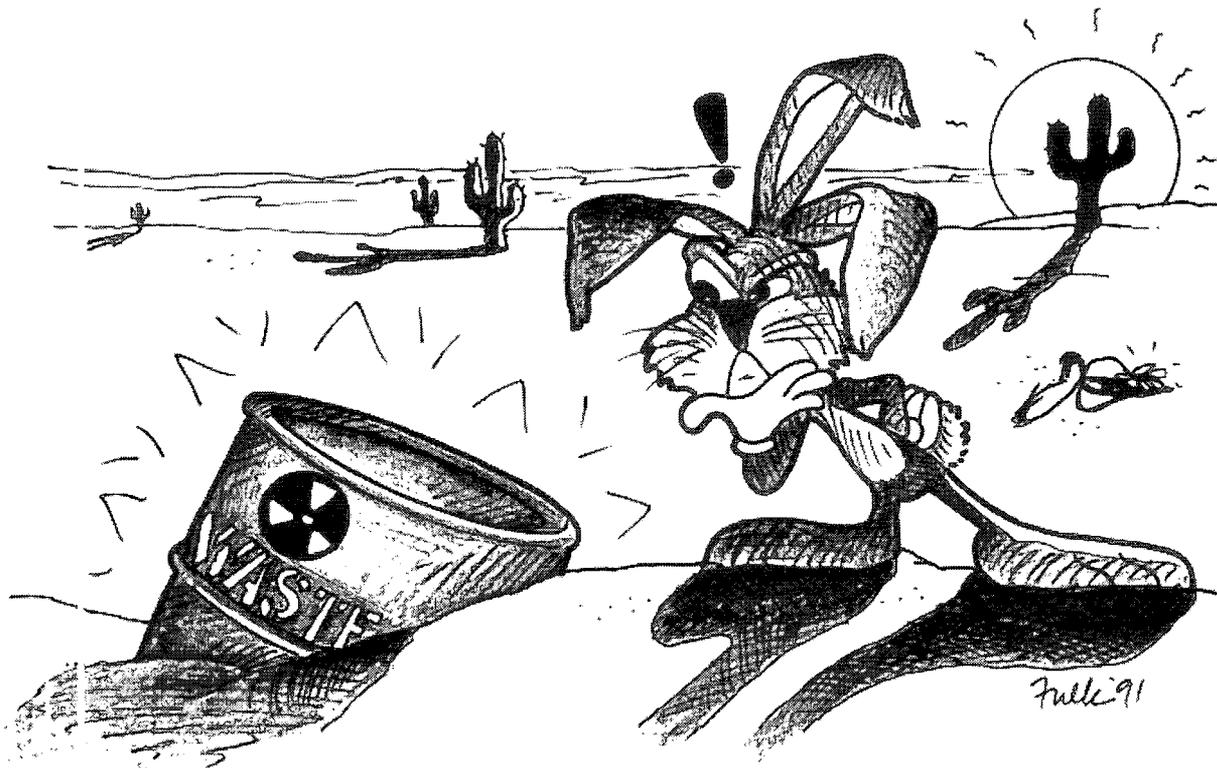


Radioactive rabbits?



Leaving hot trash in California's desert

By Stanley Moss

Bored with the routine of daily life? Obsessed with the need to prove to your mother-in-law that you have the wisdom of King Solomon and can solve any problem?

Well, welcome to the Ward Valley in the California desert and a 70-acre spot about 22 miles west of the city of Needles. It is the ideal site, say the state's Department of Health Services (DHS) and US Ecology (USE), for the low-level radioactive waste (LLRW) facility the state is obligated by federal law to build for itself and for three other states with which it has a compact — Arizona, North Dakota, South Dakota.

Ideal? Absolute nonsense, protests a consortium of environmentalist groups. For starters, the organization, "Don't Waste California," warns that "a national treasure will become a radioactive sacrifice area ... and devastate irreplaceable desert ecosystems and creatures, including the already endangered desert tortoise."

The principal concern of the environmentalists is that radioactive waste can contain elements that have a half-life potency ranging from three years to 4.5 billion years. Sooner or later, they fear, radionuclides will leak out of the containers and the ditches in which they are buried to contaminate the earth and air with disastrous consequences for both people and the environment. What is at high risk, they say, is the Colorado River, 19.5 miles east, as well as an ancient body of underground water, known as an aquifer, that is said

Stanley Moss is a freelance writer from Encino.

by some to be as large as Lake Tahoe and that sits under where the facility is to be located.

Beyond all that, opposition from environmentalists includes dissatisfaction with the DHS Environmental Impact Report (EIR); intrusion on the land the area's Indian tribes have occupied for hundreds of years; alarm that the facility will become a "national dump," conviction that US Ecology is the worst possible choice to build and operate the site; and that the state is opening itself to enormous liability risks.

Finding itself denounced in the bitterest terms as derelict in its fundamental responsibility — protection of the health of the people and their environment — Health Services thus far has held itself aloof. On July 22nd it held three simultaneous public hearings — in Sacramento, Los Angeles and Needles. The hearings were designed to give citizens an opportunity to offer comments and ask questions for the record and later consideration by the department. As the notice of the public hearings cautioned, there would not be "a question-and-answer period," nor would there be "cross examination."

Even in response to the state's principal elected fiscal officer — Controller Gray Davis — Health Services director Molly Joel Coye declined to discuss a matter of great concern to Davis in his official capacity — the state's liability in connection with the facility, including "if leakage were to occur." Her shut-the-door reply was, "...speculation about possible financial liability is not an issue related to the health, safety and environment, which are the subjects of the final EIR/EIS and draft license."

Although granting that financial liability might not be part of an EIR, it seems to many that it should be an integral part of drafting the license.

Other problems for DHS surfaced when both Lieutenant Governor Leo McCarthy and Davis, two-thirds of the three-member State Lands Commission, announced they objected to some aspects of the project as it stood, and would veto the state's taking title to the land from the federal government unless these concerns were satisfied. Among those concerns was Davis' perception that DHS was in a "rush to judgment;" the state's liability as owner of the licensed property needed careful examination; DHS' EIR was not fully adequate; location of the site needed more study; and the choice of US Ecology as licensee and operator of the facility was questionable.

As Davis put it, "The two of us make a majority, and if we both vote 'no,' that's it." He added that he supports the need for the facility but insists some questions need to be answered.

Both state Senator Bill Leonard and Assemblyman Paul Woodruff, Republicans whose districts include Ward Valley and Needles, are on record as opposed to the facility. The former says the negatives of the proposal outweigh the positives; the site's design is faulty because it does not include a liner; transportation of the waste on highways is risky; and there is no provision for special training of personnel in event of an emergency.

Woodruff opposes the choice of US Ecology; believes a liner is necessary; thinks the valley's climate has not been studied adequately; says DHS has not told the public it is retaining the option to accept mixed waste at the facility. Woodruff also says there is no compensation to the local community for adverse impact. "I remain strongly opposed

to this proposal," Woodruff wrote to Coye, until these and other issues are "thoroughly addressed."

The site also developed problems in Washington, D.C., where Congresswoman Barbara Boxer, a talked-about Democratic candidate for the U.S. Senate, put herself and Congress in the middle of the growing dispute. She asked fellow Democrat George Miller, chairman of the House Interior Committee, for an investigation into the "company's [US Ecology] solvency, the adequacy of insurance coverage and the risk to California taxpayers, as well as any threats to the state's natural resources."

As for US Ecology, it is being attacked unceasingly by those opposed to construction of the facility as the wrong choice to build and operate the site. USE is faulted on the basis of its past record as builder and operator of similar sites in Sheffield, Illinois, and Maxey Flats, Kentucky, where leakages occurred and the states took possession of the sites. In both cases, there was lengthy litigation over who was responsible for the closure of the sites and for cleanup of the environmental damage.

Those who oppose USE for the Ward Valley facility, including some knowledgeable in the field, question the design of the site. Mainly, the question is whether or not the ditches should be lined as added protection against potential leakage of deadly toxic fumes. EPA does not require liners; in fact, discourages their use. Even a constant EPA critic like Hugh Kaufman, himself an employee of EPA as assistant to the director of hazardous waste disposal, in response to the usefulness of liners, said, "It's six of one and half-dozen of another."

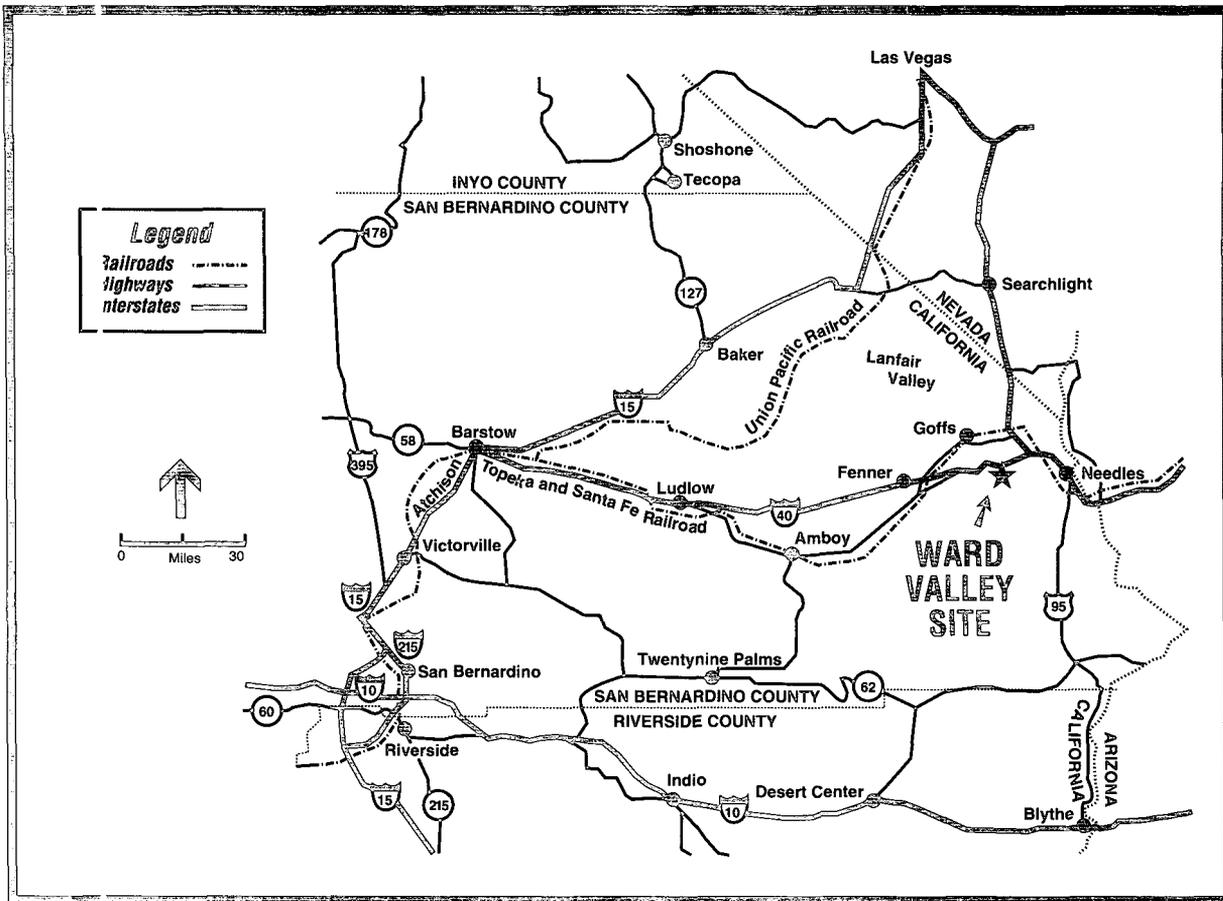
David Huntley, professor of geological sciences at San Diego State University, critiquing HSD's impact report, suggests a clay liner for the bottom of the ditches to prevent leakage to the aquifer more than 600 feet further down. Other questions about the clarity and consistency of the EIR also have been sent to DHS for consideration.

Unlike DHS, US Ecology has been eager to answer questions and provide information, although the answers and information are not always complete and accurate. Environmentalists and other opponents, on the other hand, have used distortions to persuade the public to join them in their opposition. These include, but are not limited to:

- "The primitive dump design [unlined trenches in the sand] is below minimum safety standards for even ordinary municipal landfills;"
- "This deadly waste will be dumped in unlined trenches;"
- "California ... the national dump for nuclear wastes;"
- "US Ecology is being sued around the country."

The design of the Ward Valley facility is far from "primitive" and different from municipal landfills. Its trenches are as deep as 60 feet below ground level. The radioactive waste comes packaged in accordance with rigid NRC regulations, is put into special drums and then covered over with 24 feet of soil. The trenches are not lines. The trenches — along the walls, below and overhead — hold monitoring devices of several kinds to detect leakages out of and seepages into them.

Vegetation, reports USE, goes only 12 feet deep. Average rainfall is about six inches annually. As a test, the company created a 15-foot square, six-foot deep cavity into which it poured 5300 gallons of water. After 10 days, moisture monitors showed the water had penetrated 11 feet.



Nine months later, the wetting front had moved only one to two feet deeper. Measurement of natural rainfall elsewhere on the site during this period showed no infiltration below three feet. USE emphasizes the ditches are 24 feet below an earthen cap and go another 60 feet deep.

One of the more contentious charges by opponents of the project relates directly to the past record of USE in building similar waste sites that did leak, engendering lengthy lawsuits over costs in closing the sites and cleaning up the immediate environment.

Steve Romano, a vice president of USE and general manager of the project, and formerly a policy analyst for EPA, admits readily the company goofed. "Remember," he says ruefully, "this was in the early '60s when ... the government, the states, the companies like ours had no guidelines, no regulations, because nobody knew much about the problems. Almost none of the existing laws and regulations were even being thought of back then."

What costly experience in Sheffield and Maxey Flats taught USE was that such facilities must be on flat terrain, in an area of minimum rainfall, where the soil is almost impermeable; that packaging of waste is of paramount importance; and that the drums or barrels into which this packaged waste is put have to be constructed of such materials as carbon steel or polymer-coated concrete.

Romano feels the exaggerations concerning Sheffield and Maxey Flats are deliberate and malicious. In both cases, closure and cleanup are in progress, with funds supplied by USE at the Sheffield site and by USE and waste generators at Maxey Flats.

Site officials in Sheffield, Maxey Flats, Richland (Wash-

ington) and Beatty (Nevada) confirm that Romano is nearly correct. The Sheffield and Maxey Flats mess-ups are almost matters of the past. No public health threat yet has manifested itself, and closing of the sites and the environmental cleanup is expected to prevent any such threat. There is ongoing litigation with Maxey Flats in the form of reciprocal lawsuits: USE wants to recover some costs and the state wants USE to contribute more to the costs of closure and clean-up. In Illinois the court ruled recently in favor of the EPA's decision that USE did not have to excavate soil surrounding the Sheffield dump because of hazardous chemicals leaking from the site. Instead, erecting retention walls around the dump would suffice.

At the sites in Washington state and Nevada that were built a quarter of a century ago, officials state flatly that there has not been any evidence of leakage, and that their relationship with USE is "just fine," as one of them put it. The design of these two sites is virtually identical with that proposed for Ward Valley.

By federal law, every state (or compact of states) must have a LLRW facility in operation by January 1, 1993, at which time Washington state, Nevada and South Carolina will refuse waste from other states. California's failure to have a facility operating by then allows LLRW waste generators in the state to request that the state take title to and possession of its waste along with liability for any damage incurred by the generator. If the state does not take possession of the waste after January 1, 1993, it must remit to the generator 25 percent of fees it has collected from the generator from January 1, 1990, through December 31, 1992, plus interest.

This situation will continue until the state has its facility and takes possession of the waste or until January 1, 1996, whichever comes first. There are 2254 laboratories, clinics, universities, hospitals, factories and utilities scattered throughout the state producing LLRW.

The verbal wrestling match between the opposing forces reaches stranglehold proportions when it comes to the matter of how much liability the state exposes itself to with the Ward Valley project. USE has made statements about the liability issue that needed revision or retraction. USE opponents have issued uninformed opinions. Even lawyers are unable to provide clear and unequivocal answers. Nonetheless, this is not an intractable question and there is reason to believe it can be settled and made part of the licensing agreement if Davis, McCarthy and Coye meet with Romano and his staff.

In certain circumstances and to some degree, the state may achieve some indemnification against liability. But as the state also is a generator of low-level radioactive waste it could be held to some liability along with the operator, other generators and transporters, as required by EPA's Superfund, if a threat to the public health developed because of leakage.

Low-level radioactive waste includes contaminated tools and clothing associated with the nuclear industry, waste products of nuclear medicine and research and pharmaceutical manufacture, government and academic waste, and utility waste. The federal government takes responsibility for disposal of high-level radioactive waste, including nuclear power spent fuel, the wastes associated with defense weap-

only and other highly dangerous materials.

The California facility cannot accept high-level waste. Nor can any state outside the four in the compact ship its waste to the facility, unless it has emergency clearance from the federal government and abides by conditions shutting down manufacture of the products.

Environmentalists are viscerally distrustful of the government and experts employed by or beholden to the government — national, state or city — regarding ecology. They disdain government's display of environmental intentions as insincere and meant only to lull public concerns. They do not have any faith in the integrity of the nuclear industry.

"Low-level radioactive waste is a misnomer," declares Dr. Laura Lake, adjunct assistant professor of Environmental Science and Engineering, School of Public Health, at UCLA. "The nuclear industry is hiding behind the medical-waste crisis to prepare for a second generation of nuclear power plants." She and others want an end to the production of anything that generates radioactive waste, with the exception of medical and pharmaceutical products.

Still others advocate keeping radioactive waste overground at the site where it is produced and that it already has contaminated. There has been the suggestion of a series of regional overground disposal stations to reduce the number of sites. This, it is contended, would make correction of any leakage easier.

If there is a King Solomon available, now is the time for him to step forward and pronounce his solution to a most difficult conundrum. ♣

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By Richard Krolak

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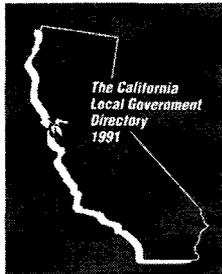
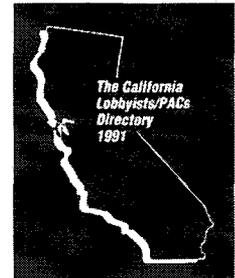


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Candidates among the corn flakes

Buying television time for campaigns

By Chris Ziegler and A.G. Block

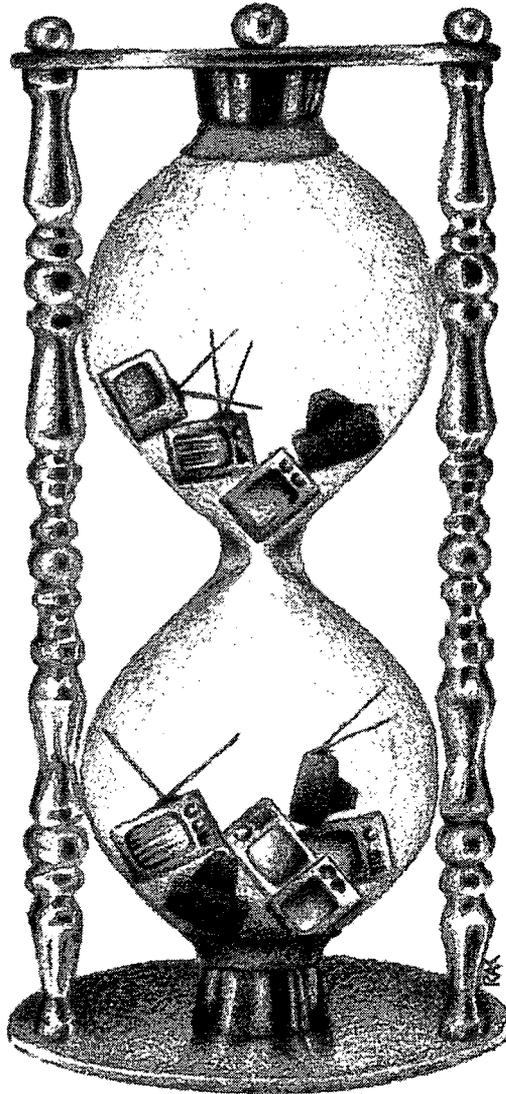
Ah, politics. The people's business. The wheeling and dealing of public policy-making. Speeches, balloons, bumper stickers, televised debate. But that's the visible part of politics, the tip of the iceberg. Below the surface lurks the business of politics. And lately, that business has become mighty lucrative for an increasing number of specialists who regard politics as so nothing of a gold mine.

Politics is a large, profitable industry. And like any industry, it has its accompanying mini-industries of middlemen. For instance, no modern candidate would consider running for office without a campaign consultant, and probably a pollster as well. And few consultants enter a campaign without a sub-specialist — an expert who buys air time or space for the candidate's political advertisements.

These latter firms — called media management or time buyers, and long active in the advertising business — have become important because political campaign teams increasingly sell candidates like Kellogg sells corn flakes. Media-management firms are familiar with media business practices, buy time for them and know how to avoid being gouged by unscrupulous stations.

Most media-management firms serve both businesses and politicians, and the language of the industry is wholly that of television marketing. Buyers use the same demographic research television advertisers use, such as the Nielsen ratings and Arbitron, and speak in terms of ratings

Chris Ziegler was a California Journal summer intern. A.G. Block is managing editor of the Journal.



points, "spots," "the creative," and "lowest unit rate." Most firms are non-partisan, although some take positions on a few large issues.

Media Plus in Seattle, Washington, for instance, is "a pro-choice shop," president Kathy Neukirchen says.

When a candidate wants to make a television commercial, his or her campaign consultant hires an advertising agency to design and produce the ad, called "the creative." Some consultants, like Republican-oriented Ray McNally, believe the time buyer should be included in planning campaign strategy, even helping decide what type of commercial should be made, based on the audience to be targeted and the stations that will broadcast the commercial.

Others, like Democratic consultant David Townsend, believe time buyers are "basically a brokerage."

The consultant generally hires the media buyer, although "we try to play as much of a role as the campaign will let us," Neukirchen says. She prefers to have contact with the campaign since it controls the money, and broadcasters require payment up front because political campaigns are often in debt. Time buyers receive between 3 and 7 percent of the cost of the buy, depending on the size of the purchase, and are paid by the consultant, McNally says.

continued on next page