

COMMITTEE TO BRIDGE THE GAP

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WILSON ADMINISTRATION DECISION TO JOIN WASTE GENERATORS AND DUMP OPERATOR IN SUIT TO STOP PROMISED HEARING OUTRAGES DUMP OPPONENTS

Safety Problems With Proposed Ward Valley Radioactive Waste Dump Remain Unresolved After Governor's Department of Health Services Reneges on Commitment to Hold Formal Hearing

Environmental groups today expressed outrage over a decision by California Gov. Pete Wilson's administration to renege on its promise to hold a formal, quasi-judicial hearing on unresolved safety problems with the proposed Ward Valley radioactive waste facility.

"Gov. Wilson's Department of Health Services (DHS) broke its promise," said Dr. Joseph Lyou, Executive Director of Committee to Bridge the Gap, a Los Angeles public interest group. "Now, depending on how the court rules, DHS may okay the construction of the Ward Valley radioactive waste dump without ever addressing outstanding safety problems. We could be regretting this decision for thousands of years."

The outstanding safety issues, which Wilson administration officials acknowledged in testimony before California's Senate Rules Committee, include concerns about the possible contamination of the Colorado River, just 20 miles from the proposed dump, the potential for rapid migration of radioactive contaminants, and large uncertainties about the amount and type of waste to be dumped at Ward Valley. "Nuclear power plant operators plan to dump plutonium, strontium, and cesium at Ward Valley, as well as other highly toxic and long-lived isotopes. Although they don't like to advertise it, Southern California Edison will likely dump more radioactivity at Ward Valley than any other waste generator."

The state Court of Appeal is expected to rule before the end of the year on whether these issues are ever resolved in a formal evidentiary proceeding. US Ecology (the proposed dump operator), a group of radioactive waste generators, and other dump supporters, filed suit last July

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to prevent DHS from conducting an adjudicatory hearing. The hearing would include access to previously unreleased documents, expert testimony under oath, and the cross-examination of witnesses. DHS has reneged on its commitment to hold the hearing, telling the court that, although the agency has the authority to hold the hearing, it will not do so unless required to by the court.

Amicus (“friend of the court”) briefs in support of an adjudicatory hearing have been filed by Committee to Bridge the Gap, the City of Needles (the city nearest the proposed dump), the Metropolitan Water District (MWD), and the Los Angeles Department of Water and Power (DWP). “The nature of the threat and the [radioactive waste] containment measures needed are extremely difficult to evaluate without the evidentiary reliability which an adjudicatory hearing can provide,” argued MWD. DWP stated, “It is the belief of the Dept. of Water and Power that an adjudicatory hearing over the siting and operation of the Ward Valley Radioactive Waste Disposal Facility will go a long way to assure that the waters of the Colorado River will not be compromised.”

“Years after our original request for an adjudicatory hearing we’re still asking the same question about DHS and US Ecology: What do they have to hide?” said Dr. Lyou.

An answer to that question may be found in a recent adjudicatory hearing ruling rejecting plans to site a radioactive waste facility in Martinsville, Illinois. In that hearing, an independent commission established by the State of Illinois examined health and safety issues much like those being raised by opponents of the planned Ward Valley dump. The commission, headed by former Illinois Supreme Court Justice Seymour Simon, voted unanimously to reject the proposed Martinsville facility. “In Illinois, the regulatory agency in charge was ready to license an unsafe radioactive waste dump,” said Dr. Lyou. “We’re faced with a similar situation here in California. DHS wants to forgo a fair evidentiary hearing and we would like a hearing to address outstanding problems with the Ward Valley dump.”

Formal hearings such as those conducted in Illinois are now being considered by officials in Nebraska and New York, where proposals to build new radioactive waste dumps have faced considerable public opposition.

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