

# PRESS RELEASE

**FOR IMMEDIATE RELEASE**

For further information, please contact:

October 15, 1993

**Committee to Bridge the Gap**

Daniel Hirsch

(310) 478-0829

**Cadwalader, Wickersham & Taft**

Roger Lane Carrick, Esq. (213) 955-4680

James R. Hunter

(213) 955-4692

## **GROUPS SUE TO STOP WARD VALLEY RADIOACTIVE WASTE FACILITY**

A group of concerned Southern Californians today sued the California Department of Health Services to void the license granted U.S. Ecology to operate a low-level radioactive waste facility in Ward Valley, a remote region of the Mojave Desert about 20 miles West of the Colorado River near the City of Needles. The legal action also seeks to void the Environmental Impact Report for the project and require the state agency to consider vital new information. The plaintiffs believe that including this information and correcting substantial defects and errors in the current report will significantly alter the state agency's conclusions about the project's safety and design.

The plaintiffs include an Indian tribe whose members reside near the proposed facilities and groups of physicians, scientists, and academics who are all concerned with the consequences of building an unsafe radioactive waste facility in a manner that could ultimately leak and pollute the Colorado River, a major source of drinking water for Southern California. The plaintiffs include the following:

Fort Mojave Indian Tribe,

Los Angeles Physicians for Social Responsibility,

Southern California Federation of Scientists, and

Committee to Bridge the Gap.

The plaintiffs in this lawsuit are seeking to resolve many outstanding scientific and engineering issues that pose potential dangers to the public so that radioactive waste will be disposed of safely.

These groups have all spent considerable effort over the past three years to gather information about the Ward Valley facility and to bring salient information to the attention of the California Department of Health Services ("DI-IS") and other federal and state agencies involved in the licensing decision. The plaintiffs have substantive concerns about the suitability of Ward Valley, defects in the design of the facility, and the safety record of U.S. Ecology, the selected licensee, in managing previous radioactive facilities.

However, DHS has repeatedly rebuffed these efforts, including refusing to consider new studies showing the potential connection between the underground aquifer below Ward Valley and the nearby Colorado River and the migration of radioactivity from the facility down to ground water.

Attorney Roger Lane Carrick of Cadwalader, Wickersham & Taft, the lead law firm for the plaintiffs stated, "Our review of the record of the EIR and the license raises grave questions about whether DHS considered all of the information as required before granting the license. They have made enough errors both of substance and procedure to bring the entire process into doubt. Our clients want to ensure that whatever license is finally granted for a low-level radioactive waste facility is based on information and design and operational criteria that will guarantee our safety into the future."

"This has been a frustrating three years," said Committee to Bridge the Gap President Dan Hirsch, spokesman for the plaintiffs. "This plan has serious consequences for all Southern Californians. We do not believe that DHS has properly considered important scientific data concerning either the nature of the waste stream or the hydrology and geology of the site identified by experts with the U.S. Geological Survey, the Metropolitan Water District, and a Technical Panel convened by Committee to Bridge the Gap."

The Ward Valley controversy has evolved since Congress passed the federal Low-Level Radioactive Waste Policy Act in 1980. This bill and amending legislation responded to the closure of three of the six operating commercial radioactive waste sites because of leaking radioactivity. The federal legislation encouraged states to enter into compacts and build sites that would accept waste from these compacts. California entered into a compact with Arizona and North and South Dakota. In 1984, California accepted bids from potential contractors for a facility. DHS named U.S. Ecology as the licensee despite the fact that this firm ranked last among four original bidders. "When the bidding was done, only U.S. Ecology was left standing," said Hirsch. "The other superior bidders had all dropped out."

In 1987, DHS selected Ward Valley as the preferred site for the facility. The federal Bureau of Land Management ("BLM") currently owns the site and has been asked to transfer it to California, which will lease it in turn to U.S. Ecology to operate the facility.

Since that time, the Ward Valley site has been enveloped in an environmental review process that plaintiffs feel has been so seriously flawed as to void it. In 1992, the dispute over the safety of the site became the subject of an acrimonious confirmation in the State Senate for both then Secretary of Health and Welfare designate Russell Gould (now

Director of the Department of Finance) and then Director of Health Services designate Dr. Molly J. Coye.

The full adjudicatory hearing that the Senate Rules Committee got the officials to agree to hold was then again canceled after litigation instituted by proponents of the site. The only hearing on Ward Valley that will occur since the original hearings in 1990 and 1991 will result from the agreement between Governor Wilson and Secretary of Interior Babbitt to hold a hearing before Babbitt decides whether to authorize BLM to transfer the site to the state. However, the Governor issued the License before holding the long-sought hearing designed to address outstanding safety issues related to the nuclear waste facility.

“Unfortunately, the Babbitt-Wilson hearing will fail to resolve the issues confronting us since it is being held after the licensing decision has already been made, the public’s right to discover documents is being denied, and the scope of the hearing is being limited to about 5% of the outstanding questions.” commented Hirsch.

Attorney Carrick said, “It will be far better to get all these safety, design, and operations issues decided as quickly as possible both to avoid a potentially irreversible environmental mistake and to move rapidly to safer alternatives to effectively dispose of radioactive waste, should the project be found to be unsafe.”

-end-