



TESTIMONY

LEAGUE OF WOMEN VOTERS OF TEXAS

SUNSET ADVISORY COMMITTEE REVIEWING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

June 23, 2022

I am Susybelle Gosslee, testifying as a member and on behalf of the League of Women Voters of Texas regarding the Texas Commission on Environmental Quality and the storage of low-level and high-level radioactive waste in Texas. We appreciate the opportunity to appear before you today and thank you for allowing us to share the League of Women Voters of Texas position.

The TCEQ's mission statement is "to protect public health and natural resources consistent with sustainable economic development." There needs to be a stronger emphasis on protecting public health and the public good.

Given the pending application for 40,000 metric tons of high-level radioactive waste will be transported into and through Texas and 173,000 metric tons of high-level radioactive waste will be transported through Texas to be stored in New Mexico, people, the environment, and the economy along those transportation routes are put in danger. There needs to be stronger regulation from the Compact Commission and the TCEQ. Plutonium has a half-life of 24,000 years. That one material alone is too dangerous and not worth the risk to the public. Texas' railroad tracks are not designed or in consistently good condition to carry the loads.

The transportation routes, with access to foreign and domestic terrorists, will be mainly by the railroad through the middle of large population cities, such as Dallas, Arlington, Fort Worth, Lubbock, Amarillo, Midland, San Antonio, Houston, Beaumont, docks, military bases, businesses, hospitals, power plants, and schools, potentially endangering millions of people.

The League makes the following recommendations for the Compact Commission and TCEQ:

- Improve transparency and restore trust by having the commission adopt key policy decisions, such as what risks to public health are acceptable when granting permits, in a public setting.
- Increase permit application fees and other fees to ensure the entire cost of the permit review process is covered and provide sufficient revenues to the State to cover remediation.
- Maintain strict safety procedures and requirements. For example, the leaking monitoring wells should be repaired or replaced not eliminated.
- Develop a site-wide contingency emergency plan on the Andrews County WCS site that includes all the existing hazardous waste, Federal radioactive waste, byproduct facilities, and storage facilities. The TRU barrels meant for the WIPP site could potentially explode for example.

- Plan for the possibility of and prevention of accidents and foreign and domestic terrorist attacks on the WCS site and along the radioactive material transportation routes. Increase and improve communications between city, county, state, and federal agencies with a coordinating organization made up of representatives from other states that meet bi-annually to develop safety and communication procedures.
- Allow the Compact Commission to levy fines if there are violations with funding going to the remediation account that is legally binding for radioactive remediation.
- Improve public participation and transparency in proposals and decisions in permitting and rulemaking during the whole process.
- Improve the website for clarity and easier access to information.
- Limit campaign contributions from members of corporations to all elected officials with decisions before, during, and after the TCEQ and Compact Commission decision and rulemaking processes.
- Increase fees paid by companies to increase state funding for clean-up and remediation.
- Ensure oversight of industries has integrity and there is strong enforcement with professional staff.
- Inspect after accidents or inadequacies are found until the site has been fully remediated with the signatures of the inspectors.
- Hire an adequate number of staff to do the TCEQ's workload and accomplish its mission.
- Address drought conditions, and air and water pollution. Drought affects the land where the storage facility is sited.

The League makes the following recommendations for the TCEQ:

- Encourage the TCEQ to deny permits based on protecting public health, safety, the environment, environmental justice, and the economy. We recommend the Texas Clean Air Act be amended to grant this authority. Companies and different facilities should not self-govern or self-regulate.
- Increase permit application fees and other fees to ensure the entire cost of the permit review process is covered and provide sufficient revenues to the State to cover remediation.
- Do not allow TCEQ staff to fill in the applications presented by the company to the agency. Additional fees should be paid by the company as additional work is needed.
- Release more extensive notification to the public about permit applications with longer response times for more public information and public comment meetings.
- Improve online access to postings of permit applications in a clearly identifiable section on the agency's homepage.
- Increase penalties for ongoing non-compliance with regulations that increase over the time of non-compliance and are an incentive to pay the fine and come into compliance. Each penalty

should be large enough to be a deterrence to non-compliance. Consider each non-compliance issue independently.

- Improve public participation in decision-making and rulemaking. Have meetings throughout the state with more public notice in each city. Public meetings should be in person and on a video conference platform allowing everyone to see the proceedings and testify. The entire meeting should be available, recorded, and posted online in an easily found site on the TCEQ website. If the permit involves the whole state, all of Texas' large cities should have public meetings. The translation of the meeting should be available for speakers and the general public.
- Establish an environmental justice office with staff trained in this specialty who engage with the TCEQ staff in decision-making, rulemaking, the public, permit review, and enforcement. The model is in the Federal Energy Regulatory Commission Office of Public Participation (FERC).

The League membership believes that the world is at a tipping point regarding climate change. TCEQ needs to address the issues in Texas affecting the climate to protect public health, the environment, and the economy.

Again, we appreciate the opportunity to provide comments. We will welcome your questions. Thank you for your attention.

For additional information, please contact: Susybelle Gosslee, Nuclear Waste Issue Chair, sgosslee@airmail.net, 214-732-8610

The League of Women Voters is one of America's oldest and most trusted civic nonprofit organizations. Formed in 1919, the League of Women Voters of Texas represents over 13,000 grassroots advocates and 34 local Leagues across the State of Texas.

The League of Women Voters never supports or opposes candidates for office or political parties. We encourage the informed and active participation of citizens in government and seek to influence public policy through education and advocacy. Membership in the League is open to people 16 and older of all gender identities.