

**Remarks to University of Florida Low-Level Waste Workshop
By Kathryn Haynes**

October 23, 1995

Impacts of South Carolina Legislation

On July 1, 1995, a new law went into effect in South Carolina. The law withdrew South Carolina from the Southeast Compact and it allowed waste from all over the U.S. to be disposed at the facility in Barnwell, except for waste from North Carolina. Before this new law was enacted, waste from outside the region had already been excluded a year before, on July 1, 1994. And under the law previously on the books, the facility would have closed to all Southeast states except South Carolina waste on December 31 of this year.

So the obvious and immediate impact was that all states except North Carolina now have access to the facility. But keep in mind that the South Carolina law says nothing about how long the facility will be kept open. Just as the South Carolina legislature changed its mind this time, they can change their minds again. That access is controlled entirely by the whim of South Carolina politicians.

So far, no one in North Carolina has challenged the aspect of the law which excludes waste from North Carolina. There is widespread opinion that that aspect of the law is unconstitutional, but it will remain in place until it is challenged and overturned by the courts. Generators in North Carolina had been expecting to store waste after 1995 anyway. Thus far, the lack of access does not appear to be creating a crisis for North Carolina generators.

Another obvious impact of the legislation is that South Carolina is no longer a party state in the Southeast Compact and therefore the Barnwell facility is no longer a regional facility under the Compact Commission's control. As a result, the Southeast Compact can no longer levy fees on the use of the Barnwell facility, so we have lost our revenue source. This is a very serious consequence because the amount of funds needed to complete site development in North Carolina may exceed the amount remaining in the Commission's reserve accounts.

In terms of specific impacts of the legislation on the siting activities in North Carolina, it is more difficult to say. I am not certain that there is any impact. If there is, possibly it would be in the area of perception, that is, some people may perceive that the need for opening a new facility is less urgent. The assumption is that if there is a perception that a new facility is needed, then there will be more political will to open a new facility. If that is the case, such an impact would be difficult to measure.

Certainly, it has not changed the fact that North Carolina is still the designated host state and the compact commission is still expecting North Carolina to fulfill its legal obligation to open a disposal facility. Siting continues and I see no evidence that the project schedule has been changed as a result of access to Barnwell--but perhaps John Mac Millan will share his opinion on that point.

I see no evidence of a change in the schedule or in the political will in North Carolina as a direct result of expanded access to facilities.

In other regions, there are some who believe that renewed access to Barnwell and expanded access to Envirocare are seriously impacting their ability to site a facility. This may be more apparent in regions such as the Midwest Compact which are in the earlier stages of siting a facility. In the early stages, there is considerable activity in the legislative arena. Siting legislation must be adopted, funding mechanisms must be put into place and siting boards must be appointed.

It is a well-known rule of politics that inaction is an easier approach than is action. And with controversial issues that rule is even more relevant. It is a more difficult task to convince political leaders that new facilities are needed when there are existing facilities available.

Of course political will can be influenced by generators and the degree to which they perceive a need for a new facility. I do think some generators are raising that question across the country. But I think they were already questioning that need before Barnwell was reopened. We have a rapidly changing climate and there are many factors effecting that climate. Access to Barnwell is just one.

Expanded access to Envirocare of Utah is another. A few months ago, the Northwest Compact Committee amended its Resolution and Order related to the import of waste to Envirocare of Utah to allow the acceptance of utility and process waste in addition to clean-up waste. Around the same time, Envirocare obtained an amendment to its license which allows them to accept a wider range of isotopes. So the range of low-level waste which can be accepted at Envirocare has been expanded.

But there is also increased talk about foreign disposal options and amendments to other existing facilities within the United States. And volume reduction technologies have improved dramatically, meaning that on-site storage facilities will have capacity for a year longer than originally projected.

You also have a different economic climate for the utility industry. Deregulation is forcing utilities into a much more competitive market. That fierce competition means that companies are being forced to watch their budgets much more carefully.

So with all of these changes happening in the climate at one time, it is difficult to measure the impact of one factor.

We also don't know what would have happened in the Southeast if this law in South Carolina had not been passed. If Barnwell were still scheduled to close as originally scheduled on December 31, 1995, would the companies you represent be doing more to support the siting process in the Southeast? Would they be doing more to support the low-level waste program nationally? I don't know.

What I do know is that we still need to develop a regional facility in the Southeast because we cannot count on Barnwell to be available to us tomorrow, next week or ten years from now. And Envirocare cannot handle all of our low-level waste streams and may never be able to. I also know that we need your help to get the job done.

How can your company best support the national siting process in the future?

My advice to you is to stay informed, keep leadership in your organization informed, and keep political leaders informed. Let them know you need a disposal facility.

Communicate with other generators, states and compacts--in the Southeast Compact, I believe our Commission would be much more effective if they had more active participation and a louder voice from the generator community. If you are not currently receiving meeting notices from my office and would like to be, please give me your business card and I will place your name on our mailing list.

The Commission is currently reviewing its mission and its Five Year Strategic Plan. Now is the perfect time for you to become involved. If you have ideas about the role the Commission should be playing or specific actions it should take, please contact your Commissioners, or me and attend our meetings. The Planning Committee meets October 30 in Atlanta and the full Commission meets next on November 14 in Knoxville.

Support site development across the nation--support ratification of the TX compact legislation in Congress, support the Ward Valley land transfer now pending in Congress. Please review the information in the handouts provided.

In summary, the new South Carolina legislation changes the climate in which we work. It does not change the fact that a new disposal facility is needed. I encourage each of you and the companies you represent to support the Southeast Compact Commission in completing this important job.