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Burnam Requests AG Ruling on Disclosure of TCEQ Documents Related to Possible Radioactive Contamination

*TCEQ preparing to allow site to open despite massive water presence
underground at site in violation of license terms*

(Austin, Texas) – Today, Rep. Burnam called on the Executive Director of the Texas Commission for Environmental Quality (TCEQ) to protect public health and safety by not allowing the low-level radioactive waste disposal site in West Texas to open until key questions are answered about the presence of groundwater inside the 100 foot buffer zone around the facility.

The private company licensed to operate the facility, Waste Control Specialists (WCS), which stands to reap millions in profits in disposal fees once the site is operational, is pressing for the agency to allow the site to open even though documents show significant groundwater present at the site, confirming the worst fears of TCEQ scientists that objected to issuance of the license five years ago due to the likelihood of groundwater intrusion at the site in future years.

"It appears that serious public health and safety risks are being ignored in the interest of getting this site up and running," Burnam said in a press conference at the State Capitol today.

"Until we know the source of this water, the likelihood of groundwater contamination, and the risk to the public, it's simply irresponsible to open this site," Burnam added.

If the site opens before monitoring wells inside the buffer zone are dry, WCS could violate license condition 65 which states, *"In the event that saturated conditions are detected inside the buffer zone, the Licensee shall cease all waste disposal operations and notify the executive director immediately."*

"How can TCEQ let the site open if WCS would be in violation of its license on its first day of operation?" Burnam asked.

Burnam called on TCEQ to not issue the final certification letter until:

1. water is no longer present within the buffer zone,
2. the agency knows the source and extent of groundwater currently present inside the buffer zone and can demonstrate that the Ogallala Aquifer is not at risk of contamination, and
3. the Attorney General has ruled on the confidentiality of the secret internal documents.

Also today, Rep. Burnam requested a ruling by Attorney General Greg Abbott whether secret TCEQ documents about the site that he obtained through a 2009 open records request may be disclosed in the interest of public health and safety. The agency initially withheld the documents but last year was ordered to release them due to a court ruling.

"As my letter to the AG today explains, I don't think the statutory criteria for keeping these documents secret have been met," Burnam said, **"especially when you consider the very serious public health and safety implications involved."**

The documents discuss the agency's concerns with WCS' license application and the risks of possible radioactive contamination of nearby groundwater tables, but Rep. Burnam is prohibited from sharing the documents with the public under a confidentiality agreement signed in September 2009 at the insistence of TCEQ.

"The public has a right to know what the scientists -- whose salaries are paid by their tax dollars -- thought about the adequacy of the site, the possibility of groundwater contamination, and the risks to their safety," Burnam added. **"I hope the AG will allow me to respect that right by removing the gag order."**