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HEADLINE: Senate OKs Class B, C waste ban

BYLINE: Joe Bauman Deseret Morning News

BODY:

The Utah Senate gave quick approval Wednesday to a bill that would prohibit importation of nuclear waste hotter than the relatively mild Class A material already here.

Hurt feelings engendered by the legislative battles were set aside, said the sponsor of a competing bill.

The Senate OK'd SB24, introduced by Sen. Curtis S. Bramble, R-Provo. Passage by the Legislature and approval by the governor seemed assured during a dramatic press conference Tuesday.

At that time, the new owners of Envirocare of Utah, the only commercial facility in the state licensed for storing low-level nuclear waste, publicly withdrew the company's application to accept the hotter B and C waste and called for passage of the ban. Earlier, legislators expressed fears that Envirocare could sue should such a bill become law while the application was pending.

At the same meeting, Gov. Jon Huntsman Jr., leaders of the Senate and House representing both parties and new Envirocare CEO Steve Creamer strongly supported a ban.

When the bill came to a vote, senators supported it and sent it to the House for action. The vote in the upper chamber was 26 for, none against and three absent.

Nevertheless, the road to passage was not without a few bumps.

Class A waste -- the material Envirocare has been disposing of for 17 years at its site near Clive, Tooele County -- is largely contaminated soil, concrete and other material. It has the lowest radioactivity of low-level waste. Classes B and C, which now would be banned, are also considered low-level but more radioactive than A.

Sen. Patrice Arent, D-Salt Lake -- whose bill to ban B and C waste, SB166, was mooted by Bramble's measure -- noted that she started working on a ban years ago, when "it seemed improbable" that the Legislature would approve it.

Now it looks as if the ban will be passed, she said. But she is going to watch that the language in SB24 is not softened later in the legislative session, Arent added.

"Some of my friends are upset that the bill I worked on will not be the instrument of this ban," she told fellow senators. She was disappointed when the Legislature's Hazardous Waste Regulation and Tax Policy Task Force rejected the outright ban, she added.

"But today is not the day to nurse hurt feelings," Arent added. "It's a time to celebrate doing the right thing

for the people of the state of **Utah**."

Originally, Bramble's bill embodied only the task force recommendations on tightening tax rules, mandating more regulatory oversight and assurances concerning closure of facilities. But Tuesday, after Arent had filed her bill, Bramble's SB24 was amended to include the ban.

Arent said many people have asked her to compare the two measures. The language from her bill is in the Bramble substitute bill, she said.

"But I guess if imitation is the sincerest form of flattery, I choose to be flattered," she said. Arent added that the new bill does all that can be done to keep B and C waste out of **Utah**.

"I want this ban to be as permanent as possible," she said.

She has been warned that in the legislative session, language in SB24 could be softened so the ban is not as complete, she said. "I will watch, as many of us will, to make sure this does not happen."

Meanwhile, "I am very pleased this bill clearly bans all levels of **radioactive** wastes higher than what is currently allowed under our existing licenses," Arent said.

"The Legislature needs to send a clear message that hotter **radioactive** waste is not welcome in **Utah**. We must not become a dumping ground for the nation."

The law already in effect does ban B and C wastes unless the Legislature and the governor specifically approve bringing in these wastes, said Sen. Al Mansell, R-Midvale.

It's not a change in policy that these hotter wastes are banned, Mansell said.

"B and C is banned from the state of **Utah** today and has been banned from the state of **Utah** at all times, since these original laws were passed. The only way we could have had B and C waste in our state is if the governor and the Legislature acted affirmatively to change the ban.

"So when we say we're doing something great and wonderful because we're changing the policy," the Legislature is acting to make the ban permanent.

"But it's only permanent 'til the Legislature changes its mind," he said. "Which is also true the way the ban is right now."

Mansell added this is a good piece of legislation. But it's not right to say the policy wasn't in place over the years.

He charged that during the two years that the task force operated, the group learned that "much of what we were being told was not true about the danger of some of these things out at Envirocare."

Scott K. Jenkins, R-Plain City, noted that he served on the task force for two years. The group visited all the sites that handle hazardous and **radioactive** wastes, he said. "I feel very safe" about the companies' actions, Jenkins added.

Following the vote, Jason Groenewold, director of the activist group Healthy Environment Alliance of **Utah**, said, "We're one step closer," but the battle for the legislation is "far from over."

Senate passage was an encouraging sign, Groenewold added, "and we want to make sure that this ban is formalized on the books." E-mail: bau@desnews.com

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