

# NATURAL RESOURCES: Hazardous Materials and Hazardous Waste

## Positions: Hazardous Materials and Hazardous Waste

(Adopted June 1981; amended May 200; amended May 2007)

1. LWVO supports state policies and programs which emphasize the following hazardous waste management options *in order of priority*:
  - a. Waste reduction, toxicity reduction, and waste elimination;
  - b. Waste separation and concentration;
  - c. Energy/material recovery;
  - d. Waste exchange;
  - e. Chemical, biological, physical, and thermal treatment.
2. **Roles:** LWVO supports private-sector ownership and operation of hazardous waste management facilities. Federal, state, and local government should all be involved in monitoring and surveillance. (Amended May 2005)
3. **Siting:** Decisions on siting of hazardous waste management facilities should be made by the state, with local government representation in the decision-making process. Eminent domain should be exercised by the state as a means of acquiring land for hazardous waste management facilities only after all other methods of acquisition fail. LWVO does not support use of eminent domain by the private sector, which includes public utilities, for hazardous waste siting. (See Land Use for other eminent domain positions.)
4. In Ohio, siting of nuclear waste disposal or storage facilities should not take place in areas:
  - a. where natural resources exist that are passed on to consumers with minimal processing or change; and
  - b. where oil and gas exploration and/or development has occurred.(See also LWVUS *Impact on Issues* for additional siting criteria.)
5. **Responsibility:** Generators should bear primary responsibility and liability for hazardous waste. Transporters and waste facility owners and operators should also handle wastes in a responsible manner and be held liable if negligent. The League supports measures to assure financial responsibility (such as insurance and performance bonds) by all parties involved, from generation to final disposition of wastes. Hazardous waste management is a responsibility to be shared by generators, transporters, waste facility owners, operators, and the public.
6. **Costs:** Generators should bear the major share of direct costs for hazardous waste management. Adjacent property owners, residents, and users of surface and ground water should not bear the burden of improperly managed hazardous materials.

(Adopted September 1988)

7. For hazardous materials transportation, LWVO supports, in order of priority:
  - a. Strict enforcement of container regulation;
  - b. Mandatory reporting to state and local authorities of spills of reportable quantities, including those involving intra-state carriers;
  - c. Strict enforcement of placarding, labeling, and documenting requirements;
  - d. Permits for trucking companies carrying hazardous materials with ability to suspend or revoke such permits;
  - e. Routing requirements for certain selected extremely hazardous materials, including:
    - i. the specification and/or the disapproval of some routes for some shipments;
    - ii. requirements for an escort for some shipments; and
    - iii. pre-notification for some shipments.

- f. State-regulated training for drivers and loaders and
  - g. Collection, coordination, and analysis of data.
8. For right-to-know/emergency response, LWVO supports:
- a. Strong enforcement of laws and regulations; and
  - b. More concentration on prevention of accidents involving hazardous materials.

## **Background: Hazardous Materials and Hazardous Waste**

GENERAL. The 1979 Convention voted to study the entire hazardous materials area, from transportation of raw hazardous materials to disposal of hazardous waste. However, since the subject of hazardous waste alone was found to be sufficient for one year's study, the 1981 study covered only this aspect. Sixty Leagues participated in the consensus reached in March 1981 and approved in its entirety at the 1981 Convention. LWVO's 1983 Convention dropped portions of the state position.

The 1987 Convention voted to complete the study. The 1988 consensus covered the remaining topics of hazardous materials transportation and community right-to-know. In September 1988, the LWVO board approved the new position and changed the title of this section from "Hazardous Substances" to "Hazardous Materials" to correspond with current usage. The title was further changed at the 2003 Convention to "Hazardous Materials and Hazardous Waste."

During the LWVO study, the legislature enacted Ohio's first hazardous waste management laws. In 1984, industries in Ohio joined a hazardous waste exchange, and a more stringent hazardous waste law was passed. Emergency response/community right-to-know legislation was enacted in 1988.

At the 2005 Convention, the position was modified to drop a statement regarding federal ownership and nuclear waste facilities.

At the 2007 Convention, the position was modified to drop a statement regarding underground injection and land disposal.

LOW-LEVEL RADIOACTIVE WASTE. LWVO considers that radioactive waste comes under the Hazardous Materials and Hazardous Waste position. Ohio is an "agreement state," meaning that the Department of Energy allows the Ohio Department of Health (ODH) to do its own inspection and licensing of any radioactive materials used in Ohio. The ODH is also responsible for supervising low-level radioactive waste. Responding to a statutory requirement, ODH established a Radiation Advisory Council and a Radioactive Waste Committee to help develop the necessary rules for handling low-level radioactive waste. League members served on both bodies until public participation rules were put in place to allow local monitoring of proposed licenses for facilities that generate and store radioactive waste in the state of Ohio. Rules for final disposal of low-level radioactive waste have been approved. All of the administrative rules are in agreement with LWVO positions, particularly those embodied in ORC 3747 and 3748, the statutes governing radioactive waste.

HIGH-LEVEL RADIOACTIVE WASTE. A Federal responsibility, this waste is generated by the two nuclear reactors in Ohio. Currently it is stored at the reactors, but had been scheduled to be sent to the Yucca Mountain repository in Nevada. The location of the site was approved by Congress in mid-2003 (LWVUS opposed this legislation). In 2009, President Obama announced a plan to terminate the Yucca Mountain program, leaving the disposition of Ohio's nuclear waste unclear.

## **Outlook: Hazardous Materials and Hazardous Waste**

GENERAL. Eliminating pollution at its source, drastically reducing the amount of waste generated, and properly disposing of such waste will continue to be the goals of both industry and the Environmental

Protection Agency for the next few years. Such programs have the potential for making real contributions toward improving environmental quality.

The possibility of greatly increased oil and gas production in Ohio is a matter of concern because of the potential for significant air and water pollution.

LWVO will use its positions, including transportation and right-to-know, to improve current law and practices whenever feasible. Right-to-know legislation ensures that citizens can find out what hazardous materials exist in their communities, and the nature and amounts of toxic substances released into the environment. Local Leagues can monitor local situations to see if the laws are implemented and enforced.

LOW-LEVEL RADIOACTIVE WASTE. Presently radioactive materials are being used in more than 200 places across Ohio. Low-level radioactive waste from Ohio is sent to sites in Utah and Idaho. It is unlikely that any disposal site will open in Ohio, since other states have either less-strict administrative rules or have not yet formulated any rules.

HIGH-LEVEL RADIOACTIVE WASTE. It appears that high-level radioactive waste will continue to be generated and stored at the two Ohio reactors since Yucca Mountain will not open and there is no out-of-state facility to store it.