

U.S. DEPARTMENT OF ENERGY

DRAFT LONG-TERM MANAGEMENT AND
STORAGE OF ELEMENTAL MERCURY
ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING

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James Roberts Civic Center

855 E. Broadway

Andrews, Texas

Facilitator: Linda Robinson

Panel Member:

William Levitan, U.S. Department of Energy

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U.S. Department of Energy
Long-Term Management and Storage of Elemental Mercury
Environmental Impact Statement

FORMAL COMMENT SESSION

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1 MS. ROBINSON: I am going to now start
2 calling on commentators. The first one will be Karen
3 Hadden, followed by Tom "Smitty" Smith. Karen Hadden.

4 MS. HADDEN: Good evening. My name is
5 Karen Hadden. I am here representing a statewide
6 organization, the SEED Coalition, which stands for
7 Sustainable Energy and Economic Development Coalition.

8 We have for years had serious concerns
9 about mercury and the impacts on human beings, wildlife
10 and agriculture.

11 Earlier this evening, during question and
12 answer you heard from Tom "Smitty" Smith, and he was
13 talking about the coal burning power plants. We in
14 Texas have already been, unfortunately, the number one
15 worst state in the nation for mercury pollution. It is
16 toxic. And we know for a fact that exposure to mercury
17 can impact the brains of any human, and is especially a
18 problem for young children and developing babies.

19 We know that East Texas is basically
20 suffering intensely. There are studies that show
21 correlations with autism in that part of the state. We
22 have worked hard as an organization to try to get
23 clean-up of this mercury, and it is incredibly
24 frustrating when other states are making reductions, but
25 Texas has not done so.

1 To see the DOE come in and even suggest
2 that Texas should be the dumping ground for more toxic
3 mercury is infuriating. I don't understand why Texas
4 should be seen as a national dump. I think it is a good
5 idea to bring mercury together, to pull it out of
6 circulation. That is a good effort.

7 But you have in your draft EIS a no-action
8 scenario. That is the action that you should take.
9 That leaves the military mercury exactly where it is.
10 And there is nothing, no single thing that says that
11 that Mercury has to move. There is no reason to put it
12 on the highway and risk people's health all the way from
13 Oakridge, Tennessee or from any other site.

14 Earlier you talked about the number of
15 shipments that would come in. They might average out to
16 be the same, whether mercury comes here or goes
17 somewhere else, but for this community the number of
18 shipments goes through the roof. For this community the
19 risk goes sky high.

20 I am offended that there could be talk of
21 bringing 11,000 tons of toxic mercury to Texas, and that
22 the words negligible impacts can even be used in the
23 draft EIS. And I would like to talk to you a little bit
24 about why.

25 First of all, this area is an area that is

1 three counties here, 40 percent minority, 17 percent
2 poverty. I think you have a serious environmental
3 justice issue that is not being addressed.

4 In terms of health impacts, the EPA talks
5 about elemental mercury and says it can be absorbed
6 through the lungs. Others testify about what happens if
7 there is a drip spill and HAZMAT teams have to come in.
8 It is a problem they note in warm areas. It is a little
9 bit warm here.

10 Exposure can result in tremors, emotional
11 changes, mood swings, irritability, nervousness,
12 insomnia, neuromuscular changes, weakness, muscle
13 atrophy, twitching, headaches, disturbances in
14 sensation, changes in nerve responses, performance
15 deficits and cognitive function. That is at low levels
16 and chronic levels. Workers who work there could be
17 exposed, especially if you have got microdots condensing
18 on these containers.

19 Higher exposure, kidney effects,
20 respiratory failure, death. There is a reason why you
21 have to call in HAZMAT teams and evacuate a whole wing
22 of a science lab in El Paso. We are talking 11,000
23 tons.

24 People concerned about exposure are
25 supposed to contact their physician. Will anyone, if

1 workers are out there, provide them monthly testing of
2 their blood levels of mercury and a doctor of their
3 choice and pay for it? I wonder if that would ever
4 happen.

5 Mercury exposure can cause hand tremors,
6 memory disturbance, inhalation reference concentrations.
7 It can change the speed at which motor and sensory
8 nerves conduct their impulses.

9 Animal studies have shown that inhalation
10 exposure on rats, rabbits, monkeys was worse for
11 elemental mercury from inhalation than if they were
12 injected with Mercury directly into their blood stream.
13 10 times higher. And yet in the environmental impact
14 statement, you characterize the concentrations and risks
15 from all on-site mercury from SL1, severely level one to
16 two negligible to low. Well, that might be; if you live
17 20 miles away, it might be negligible or low. But if you
18 are a worker in that building, I would say your risk is
19 incredibly high, especially if there are fires. There
20 is no full-time paid professional fire department in
21 this county, and the system in the building may or may
22 not be adequate to contain a fire and to stop the
23 inhalation.

24 DOE would only provide seven jobs for
25 seven years and then five. Why not -- why is the DOE

1 not here bringing clean, safe energy technologies that
2 would create jobs in this community and instead bringing
3 toxic waste and urging it be dumped here in Texas? We
4 don't buy it.

5 MS. ROBINSON: Thank you, ma'am. The next
6 speaker is Tom "Smitty" Smith, followed by Peggy Pryor.

7 MR. SMITH: Good evening. Again, for the
8 record, my name is Tom Smith. I have a real fundamental
9 problem with this, because it basically requires us to
10 trust the government and trust that your analyses and
11 your standards are adequate. And I wish I believed
12 that. I used to believe that a long time ago, until we
13 started to look at the evidence, standards you and your
14 sister agencies have promulgated over the last 40 years,
15 which is the lifetime you expect these site disposals to
16 be in effect.

17 We have been told don't worry, mercury
18 won't contaminate the water from our coal plants. The
19 disposal system from the waste from the coal-burning
20 coal won't leak. That mercury won't affect air quality.
21 We know what we are doing. We have equipment on those
22 stacks to protect us. That mercury won't affect our
23 public health. And it is appropriate now with Alice in
24 Wonderland that is coming out that we reflect on the
25 fact that the Mad Hatter was told by his employers,

1 don't worry, the Mercury you are putting on those hats
2 won't affect your mind either. And that lastly, we will
3 clean up the mess that is made if something goes wrong.

4 The message I have is we simply can't and
5 don't trust you. As one person in my office said, this
6 is sort of Obama's way of paying back Texas for sending
7 George Bush to Washington, isn't it?

8 Who is going to be liable for this mess if
9 there is a leak? WCS? Do they have the pockets deep
10 enough to clean up, or are they a limited liability
11 corporation? How long will their site lease last? How
12 long will your site lease last? And will you ultimately
13 be responsible for cleaning up the mess that is made? I
14 think you should have the people downstream from the Red
15 River Army Depot or around Ft. Comfort when you all
16 settled and said we have a site plan to clean up the
17 mercury emitted by Aluminum Alcoa down there and we will
18 get that cleaned up for you.

19 If you are not here, then will the State
20 of Texas be responsible, and can we trust them? I don't
21 think so. They have never appropriated a dime to clean
22 up the messes that they are responsible for. That
23 leaves the folks in Andrews County to be responsible, if
24 there is a leak, to clean that up, and will the good
25 taxpayers be able to afford that? I don't think so.

1 What is the monitoring plan? You are
2 within 10 miles, but what happens if it does get into
3 the Ogallala? And why is it that folks who looked at
4 this permit for the radioactive waste site quit, and all
5 of the people who worked on that radioactive site permit
6 said we don't think this is a good idea because they
7 have unanswered doubts.

8 You have said don't worry, we have looked
9 at the studies. I have looked at the studies that you
10 referenced in your document here on pages 3139 and 3140,
11 and the studies you all reference are WCS studies.

12 Excuse me. I'm not sure if that is a
13 basis for making a sound scientific analysis on the
14 applicant's studies.

15 You reference in here, however, that there
16 are (inaudible) that could well be affected, and there
17 are old Water Development Board studies that say this
18 site is over the Ogallala.

19 You say there are 500 wells on this site,
20 and I believe that is probably true. WCS's own studies
21 indicate that there is water. Their own reports to the
22 TCU indicate there is water within 14 feet of some of
23 those wells. Maybe not underneath yours. But we
24 haven't seen that analysis of how close that ground
25 water is in this document. And certainly if they had

1 made the representations as they did, that there is no
2 water under this within this entire site, and they were
3 starting to get water within 14 feet of their monitoring
4 wells, it would set off alarm bells that we think ought
5 to be referenced in your studies to determine if this is
6 an environmentally sound site. I'm sorry if I am a
7 little skeptical of the depth of that analysis, as I am
8 the depth of the water table.

9 You stated you should only look at 10
10 miles to determine what the impact would be. As I
11 mentioned earlier, we are seeing mercury vapors coming
12 from China, according to the EPA. We are being told
13 don't worry, it won't affect the people in Lubbock,
14 Midland, Odessa or Andrews, because those mercury vapors
15 won't ever blow that far. Somehow I don't buy that.

16 You also say don't worry about tornados.
17 The image of tornados picking up mercury vials and
18 throwing them around is hard to believe, yet I saw in
19 your own studies there have been 21 tornados in this
20 area in the last 42 years. That is a high number of
21 tornados to totally ignore and have nothing more than
22 the reference that says there have been that many
23 tornados, and yet no real analysis of the impact of
24 that.

25 You know, we in Texas have trusted the

1 federal government to protect us from a number of
2 things, and have been let down because the analyses done
3 by your predecessors were inadequate when there was some
4 sort of federal emergency. And I think that this is
5 another one where Congress has gotten on its high horse
6 and said we need to do something about mercury, and
7 given you an entirely too short a time to adequately
8 analyze it. And we are setting ourselves up for the
9 same kind of failure seen in the long history of the
10 government telling us don't worry about mercury, it is
11 safe and we know what we are doing. Thank you for your
12 time.

13 MS. ROBINSON: Thank you, sir. The next
14 speaker is Peggy Pryor.

15 MS. PRYOR: I'm disappointed in the DOE as
16 well. I thought you were an organization who would
17 actually have people who would do the studies yourself,
18 not rely on other papers, other studies. I can do that.
19 That is what they have told me over and over and over
20 again. I can do that. I could have done what you have done,
21 but I wanted you to do an independent study. That is
22 all I asked, for you to do an independent study, to look
23 into these, to actually address each one. You did not.

24 Your EIS spoke what you wanted done. And
25 Mr. John, if I had just listened to him the first time I

1 spoke with him, and I kept asking him over and over and
2 over, are you trying to convince me that this is the
3 place that you want? Oh, no, no, I'm not telling you --
4 yes, I should have listened.

5 You had already decided before you ever
6 did this EIS. You have already decided, and you have
7 not ever been -- the DOE, the NRI and all of the Nuclear
8 Regulatory Commission have failed in all of their
9 progress and all of the facilities, all of the nuclear
10 facilities, you failed and failed and failed. I looked
11 them up. All these facilities have leaked. Oakridge is
12 now leaking. Vermont where they are bringing the
13 Vermont stuff down here to Andrews, they have a leak
14 now. This has continued.

15 You have not proven to me with your track
16 record that you know what you are doing, that you can
17 handle these situations. I am totally disappointed.
18 You did not answer our question. We got up here and it
19 was a futile effort.

20 Also, I want to express right now that if
21 they do another study, I want you to actually have
22 someone to come and teach us what we need to do, because
23 evidently you go and get other people's papers and
24 ruffle them together and say this is the way it is going
25 to be. I want to be able to do the study as a citizen

1 in this town and do it right. Evidently y'all are all
2 paper pushers and don't actually do the studies that we
3 asked you to do. Thank you.

4 MS. ROBINSON: Thank you, ma'am. Are
5 there others in the room who did not sign up, because
6 that is the list of people who did. Who would now like
7 to make a comment?

8 MELODY PRYOR: I'm sorry. I'm going
9 against my word. I wasn't going to speak. I was born
10 and raised here. I didn't get to attend the Eunice
11 meetings last night because I had to work.

12 There was a comment made that there was a
13 10 mile radius that they were looking into. Well, what
14 about the people in Eunice that live five miles away?
15 What kind of impact is it going to fit -- to effect
16 them? Just because they are across the state line, they
17 don't exist? They are within the 10-mile radius.

18 They say that there are 500 wells. Maybe,
19 maybe not over water. Are there any oil wells out there,
20 because usually -- I don't know, when they are usually
21 drilling for water -- oil, they pump water down and who
22 knows what?

23 I don't think y'all have done your job. I
24 don't think y'all did the environmental impact study
25 that we asked you when you first came. Y'all just took

1 the word of one company that is out to make money and
2 bring this in. Y'all didn't do anything.

3 What are these other sites? Did y'all
4 tell them the same thing as us, and then just go with
5 whatever company that was wanting to bring it in? Did
6 you go with that company's studies that they have done
7 and told those people the very same thing, that we
8 didn't do it, we just went with the company that you are
9 fighting against and just took their word for it?

10 You know -- and the containers, if they
11 are impermeable and they last for 40 years and they
12 can't be exploded and all of this, why do they have
13 little beads popping out on them? To me, that is a
14 leak.

15 You can't say that nothing is going to
16 happen in 900 years, because none of us are going to be
17 alive. You can't say that statement. And for a
18 contract for 40 years, the majority of us in this room
19 isn't going to be alive in 40 years. Maybe the baby
20 back there. Hopefully the baby back there. So you
21 don't have anything to base that on.

22 All of the other nuclear sites, mercury
23 sites, we have all been lied to. The government has
24 lied to us. They are all leaking. They have all seeped
25 into the ground. They have all contaminated the water.

1 They have all contaminated the air. The fish is
2 contaminated. I am not a fish eater, and -- you know,
3 if y'all want to eat fish, that is fine and dandy. If
4 you can say 100 percent that it is not contaminated, go
5 ahead and gorge out on them. But you can't say that
6 this place in 40 years is going to be as safe. We don't
7 know that. You can't predict that. Nobody can predict
8 that. That is all I have to say right now.

9 MS. ROBINSON: Thank you, ma'am. Are
10 there others in the room who would like to make a
11 comment? Sir, I remember your name is John. I met you.

12 MR. PARISH: I didn't put anything on
13 paper. My name is John Parish. I am a 50 some odd year
14 resident of this county, worked in the oilfield every
15 since 1953.

16 First off, mercury won't burn. I tried it
17 as a kid. It will boil, but so what? It won't burn. I
18 know damn well. We are not mining it. We are not
19 processing it. We are storing it. Hell, it is 90 miles
20 east of here to any water. Pecos River is west and
21 south. I don't know what is north.

22 Plus for 50 years out here, mercury was
23 used all over this country in gas meters. If these
24 people are worried about the damn mercury, they might
25 rather pack up and get the hell out of here. It has

1 been scattered everywhere. And it hasn't hurt anything
2 that I know of. That is all the comment I got.

3 MS. ROBINSON: Thank you, sir. Are any
4 others interested in making a comment?

5 MS. HADDEN: I would like to make a brief
6 additional comment. While the gentleman before me
7 mentioned saying that mercury won't burn, however, that
8 obviously is a concern of DOE, because they talked about
9 the sprinkler systems that would be needed for the
10 facility, and did not analyze how much water would be
11 needed for the facility, which is rather scarce in this
12 region.

13 And this also brings up another question.
14 If there is mercury scattered all over the region, and
15 best I can tell, there have been some carbon black
16 plants in this region, where are the analyses of the
17 background levels already present, because those are
18 needed to start with to get a good handle on what is
19 here now and then to analyze what is additional? Thank
20 you.

21 MS. ROBINSON: Thank you, ma'am. Are
22 there other people who have a comment? Sir, would you
23 come forward? And you people who are doing it now, you
24 need to spell your name, unless it is an obvious name,
25 for the lady here.

1 MR. GARZA: Howdy. My name is J. Garza.
2 I work for Waste Control Specialists. I, myself, was
3 not going to talk or comment, but after hearing these
4 people here make their comment, I feel I have to respond
5 to that.

6 First of all, my title with Waste Control
7 Specialists is waste acceptance supervisor. Pretty much
8 this mercury waste that we have been discussing about
9 will probably go with my department. And to ensure that
10 this waste meets our waste acceptance criteria and our
11 RCRA permit, we have to look at that. These people here
12 are talking about the workers. First of all, the people
13 who work at the waste facility live in the surrounding
14 communities. I live in Andrews. People live in Eunice,
15 Hobbs, Jal, so it is not like we work there but live
16 somewhere far distant, like Austin, Houston. We live in
17 the surrounding communities ourselves, so when we accept
18 waste, whether it be mercury, TSCA, RAD, mixed waste, we
19 also get to account that this waste will come to us DOT
20 compliant. It will be stored and taken care of
21 compliantly with our RCRA permit.

22 And so when this waste comes here -- and
23 they are talking about being upset. Our company will
24 look after its own. We will assure that the people who will
25 be working with this waste will be wearing proper PPE.

1 They are not going to go inside unprotected.

2 Plus, all the structure must meet RCRA
3 requirements. It is not going to be like an old
4 warehouse that you will see on the back streets of
5 Odessa. So that is all I have to say. There is support
6 for this. People at WCS will gather this waste
7 compliantly. There will be no problems. Thank you.

8 MS. ROBINSON: Thank you. Does anybody
9 else in the room have a comment to offer? Okay. That
10 being the end of the oral comments, I still encourage
11 you to turn in written comments.

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1 THE STATE OF TEXAS)
 2 COUNTY OF ECTOR)

3
 4 I, Debra Guthrie, Certified Shorthand Reporter Number
 5 3910 for The State of Texas, do hereby certify that the
 6 above and foregoing pages contain a full, true and
 7 correct computer-assisted transcription of my
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 9 occasion.

10 I further certify that I am neither counsel for, related
 11 to, nor employed by any of the parties or attorneys in
 12 the action in which this proceeding was taken, and
 13 further that I am not financially or otherwise
 14 interested in the outcome of the action.
 15 Witness my hand this 16th day of March, 2010.

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