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Western states struggle with wave of oil and gas radioactive waste

New report recommends improved oversight

BILLINGS, Mont. — State governments across the West fail to protect citizens and the environment from a tide of the oil and gas industry's byproduct, radioactive waste, according to a report by the Western Organization of Resource Councils (WORC).

The report, *No Time to Waste*, finds the storage, transport, and disposal of radioactive oil and gas field waste in the West are vastly under-regulated. Oil and gas industry wastes are exempt from the federal regulation, despite the admission by the Environmental Protection Agency (EPA) in a 1987 report to Congress that "oil and gas wastes contain various hazardous constituents." As a result, states regulate radioactive oil and gas field wastes through a patchwork of rules and policy guidelines.

"Oil and gas companies essentially handle and dispose of radioactive waste at their own discretion," said Bob LeResche, WORC Chair from Clearmont, Wyo. "Some have resorted to the cheapest option, illegally dumping it."

No Time to Waste reviews regulation of radioactive oil and gas field wastes in six states: Colorado, Idaho, Montana, North Dakota, South Dakota, and Wyoming. It finds that state regulatory frameworks remain sparse, where they exist at all.

Colorado, Wyoming, and Montana lack formal regulations around the waste stream. Of these three states, only Montana has begun to address radioactive oil and gas waste.

South Dakota has a radioactivity limit for solid waste disposal, but no other oil and gas field waste-specific regulations, while Idaho has a handful of regulations, but no statewide disposal limit.

North Dakota recently adopted new rules. The report finds that while some parts of these rules are more protective than what was previously in place, the rules still fall short in dramatic ways.

First, the new rules raise the radioactivity limit for solid waste disposal from 5 to 50 picocuries per gram, making North Dakota farmers, landowners, facility workers, and other affected community members vulnerable to a much higher exposure dose.

Second, they fail to improve weak inspection and enforcement protocols.

"Without thorough, rigorous, and consistent oversight from the state, especially in the face of a higher radioactivity limit, it is doubtful that the new rules will result in improvements on the

ground,” said Larry Heilmann, a retired biochemist from Fargo, N.D., who worked extensively with radioactive isotopes in his research.

The consequences of regulatory gaps are well-documented. North Dakota has experienced an onslaught of illegal waste dumps across the state. In one instance, a waste transporter dumped 200 garbage bags full of radioactive filter socks in an abandoned building in Noonan, N.D.

Montana, meanwhile, has been inundated by waste from North Dakota. Facilities, such as Oaks Disposal, an industrial-scale oilfield waste landfill near Glendive, Mont., have flocked to the Montana Department of Environmental Quality (DEQ) for radioactive waste disposal permits. The Montana DEQ has granted five permits thus far, despite postponing rulemaking.

Seth Newton, a rancher in Glendive, Mont., lives just downstream of the Oaks Disposal facility, and has witnessed the lax oversight firsthand. “Oaks is full of alarming shortcomings,” he said. “The facility was sited just a half mile from Deer Creek, and was only designed to weather a 25-year storm event. Any larger storm could cause radioactive waste to leach into the creek. Plus, the bottom of the landfill is only 15 feet above an aquifer.”

He has observed numerous spills from waste trucks heading to the facility.

“My family’s livelihood depends on this stream, these aquifers, and the health of this land,” Newton said. “The poorly managed siting, design, and construction of this facility puts our health and the health of the ranch at risk.”

Radioactive waste poses risks to surrounding communities if not managed properly. The waste can emit radiation through the air or soil, leach into ground or surface water, or become airborne as contaminated particulates. Exposure to radiation, whether through ingestion, inhalation, or absorption, is associated with a number of health impacts, ranging from anemia, tooth fractures, or cataracts, to a higher incidence of various forms of cancer.

The report calls for federal regulation of radioactive oil and gas waste and stronger state standards to address the needs of the individual states.

“Without thorough, stringent, and effective regulation of this waste stream, Western communities are left vulnerable to serious health and environmental impacts,” LeResche said.

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Note: The Executive Summary and full report of *No Time to Waste* can be found here: www.notimetowastereport.org