

MINUTE ITEM

This Calendar Item No. 14
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 2
to 0 at its 2/17/87
meeting.

CALENDAR ITEM

A 34, 51

14

S 16, 25

02/17/87

S 7845

Fong

AUTHORITY TO FILE INDEMNITY SELECTIONS ON LANDS
AS REQUESTED BY THE STATE DEPARTMENT OF HEALTH SERVICES

Existing Federal and State legislation commits California to siting a low level radioactive waste (LLRW) disposal site within state borders. United States Ecology, Inc. (USE) has been designated by the California State Department of Health Services (DHS) to site, develop and operate the facility. USE has approached staff with a proposal to have the State Lands Commission (SLC) file indemnity selection applications with the Bureau of Land Management (BLM) for several parcels of land, to put the parcels into a "holding pattern", pending further study.

Several parcels of federally owned lands in Inyo and San Bernardino counties have been identified as potentially suitable for the siting of a LLRW disposal facility.

It is anticipated that up to 7,500 acres of non-mineral base would be used in the selections. Final acreage actually used for the radiation disposal site will be approximately 640 acres. The indemnity selection would be amended to delete all but the finally selected parcel when the selection process is complete.

The final site selected will undergo a comprehensive feasibility study including a full environmental impact analysis pursuant to CEQA and NEPA. It is expected that the DHS will act as the CEQA Lead Agency.

The ultimate ownership of the parcel finally selected for the disposal site is not certain at this time. Among the options available are: 1) retaining the site as State school lands under SLC's jurisdiction; or 2) selling the site to the State Department of General Services with the revenues deposited in the School Land Bank. Staff will keep the Commission informed as the site selection progresses.

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AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

An environmental document will be prepared prior to the final site selection including the operation, etc. of the disposal project.

BACKGROUND:

2. In December 1980, the Congress enacted the Low-Level Radioactive Waste Policy Act, Public Law 96-573. Briefly, it assigned to the States responsibility for disposing of the low-level commercial wastes generated within their borders, encouraged states to form regional compacts for purposes of establishing regional disposal sites, and authorized compacts after January 1, 1986 to exclude wastes generated in states not parties to such compacts.

The California Legislature's response to the 1980 Act was the passing of Senate Bill 342 in September 1983. It required the DHS to select a "license designee" to site, develop and operate a LLRW disposal facility. In the event that a license designee was not chosen or defaults in its performance, the Resources Agency has the responsibility to establish and operate the facility. Additionally, the bill provides that the disposal facility must be located on State or federally-owned land.

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In December 1985, Congress, recognizing the deadline date of January 1, 1985 was unrealistic, passed an amendment to the 1980 Low-Level Radioactive Waste Policy Act. The amendment postponed until 1993, the date that regions with compacts can refuse non-regional wastes. Additionally it imposed surcharges for the disposal of out-of-region LLRW and it set up a schedule of milestones to be met in the development of a LLRW disposal facility. If these milestones are not met, penalties in the form of increased surcharges are placed on the generators of the LLRW. However, if the milestones are met, the State can apply for a rebate of 25 percent of penalties paid.

CURRENT SITUATION:

DHS has selected USE as the "license designee". DHS and USE have agreed to a performance schedule whereby the milestones as set forth in the 1985 amendment to the 1980 Low-Level Radioactive Waste Policy Act would be met which would keep any additional punitive penalties from being imposed. USE's initial studies identified approximately 15 areas within Inyo, and San Bernardino counties that may be suitable for the siting of a LLRW disposal facility. After further studies, these 15 areas were of three smaller study areas in Inyo and San Bernardino counties which will undergo on-site suitability studies. The study sites are located within federal lands under the BLM's jurisdiction. BLM has stated that LLRW disposal facilities cannot be located on federal lands per federal policy. However, this does not preclude the transfer of suitable parcels into State ownership. Discussions with BLM identify the State indemnity selection process as the most practical and expedient method of transferring these lands to State ownership. Therefore, DHS has requested

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the staff of the SLC to obtain the necessary lands from BLM. DHS requests that the acquisition process begin as soon as possible in order to remain on the schedule as agreed by the DHS.

EXHIBIT: A. Siting Study Areas Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE FILING STATE INDEMNITY SELECTIONS ON UP TO 7,500 ACRES OF FEDERAL LAND IN, INYO AND SAN BERNARDINO COUNTIES.

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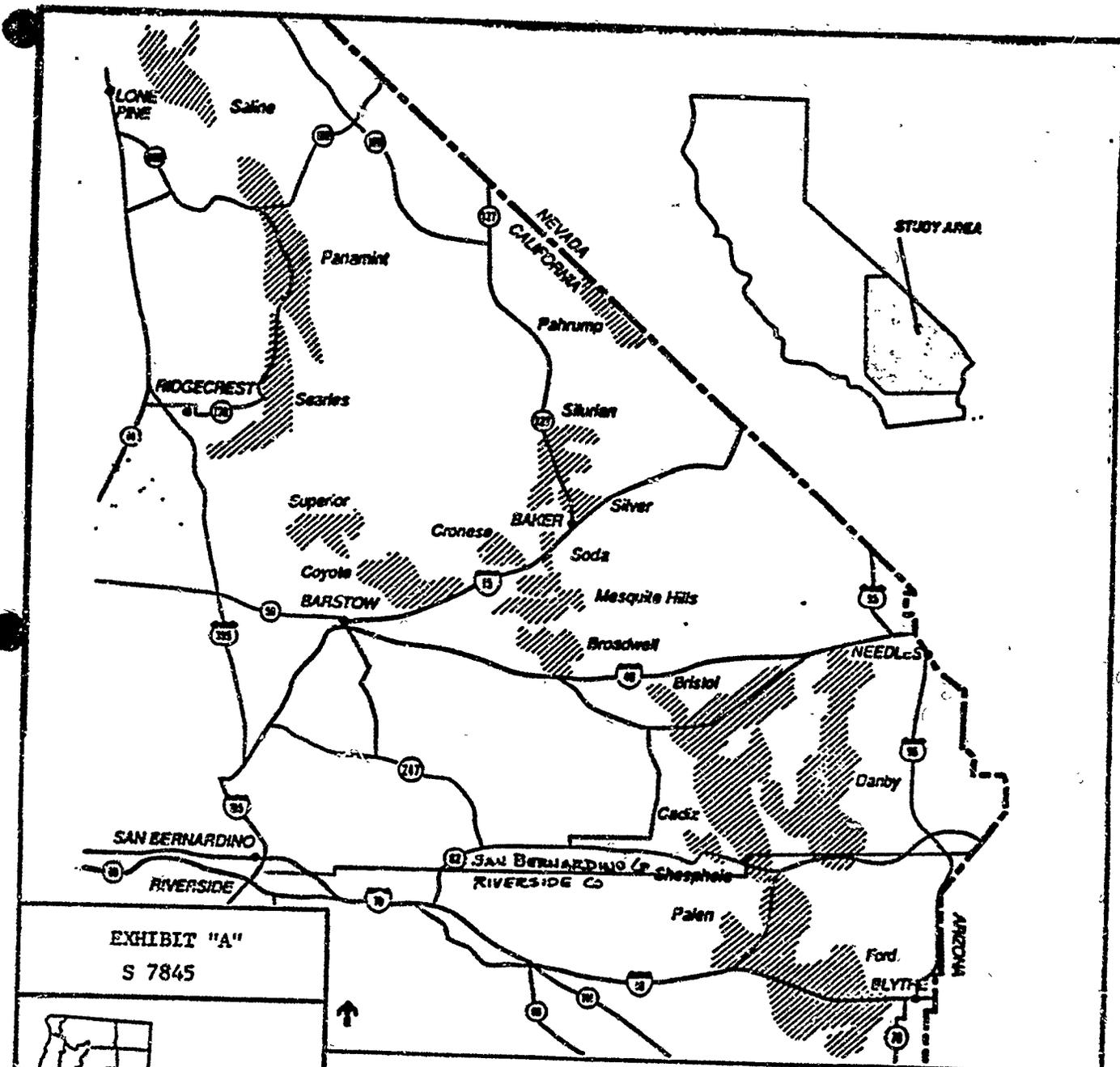


EXHIBIT "A"
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 SITING STUDY AREA

0 10 20 30
MILES

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