

RESOLUTION NO. 2015 - 75

A RESOLUTION OF THE CITY OF HAILEY, IDAHO, ESTABLISHING THE CITY OF HAILEY'S OFFICIAL POLICY OPPOSING THE SHIPMENT TO IDAHO OF NUCLEAR WASTE, UNTIL THE FEDERAL GOVERNMENT COMPLIES WITH THE 1995 SETTLEMENT AGREEMENT BETWEEN THE STATE OF IDAHO, THE U.S. NAVY AND THE U.S. DEPARTMENT OF ENERGY BY MAKING THE INTEGRATED WASTE TREATMENT UNIT OPERATIONAL.

WHEREAS, in October of 1995, the State of Idaho, U.S. Navy, and U.S. Department of Energy ("DOE") reached an agreement (the "1995 Settlement Agreement") settling a lawsuit filed by the State of Idaho to prevent shipment of spent nuclear fuel to the Idaho National Laboratory ("INL") for storage and to remove and treat certain radioactive wastes. Former Governor Philip Batt was instrumental in the negotiation of the 1995 Settlement Agreement. Section D.2.e of the 1995 Settlement Agreement provides that except for limited circumstances, DOE will make no shipments spent nuclear fuel from commercial nuclear power plants ("Spent Nuclear Fuel") to the INL;

WHEREAS, the 1995 Settlement Agreement is unique in the nation by requiring DOE to meet definitive deadlines for cleanup of nuclear waste and prohibits certain activities at INL, including prohibiting the receipt of Spent Nuclear Fuel, as a means of ensuring cleanup deadlines are met;

WHEREAS, on January 6, 2011, Idaho Governor Otter and Attorney General Wasden signed a Memorandum of Agreement with INL which granted a conditional waiver of Section D.2.e of the 1995 Settlement Agreement. After the Memorandum of Agreement was signed, the INL was allowed to receive research quantities of Spent Nuclear Fuel for the purpose of research and examinations conducted at the INL. The Memorandum of Agreement was not legally or contractually required;

WHEREAS, the 1995 Settlement Agreement contains firm deadlines for removing certain radioactive materials from Idaho, which are not impacted in any way by the Memorandum of Agreement. For example, Section E.5 of the 1995 Settlement Agreement contains a deadline to convert about 900,000 gallons of sodium-bearing liquid high level waste into a solid form by end of calendar year 2012. The federal government missed this deadline and in early 1995 told state officials that it intended on meeting the deadline to convert the liquid waste into a solid form by the end of calendar year 2015. Later, the federal government told state officials the conversion would not occur until the spring of 2016. The 1995 Settlement Agreement provides that the sole remedy for a failure to meet a deadline established by Section E.5 is the suspension of the delivery of any Spent Nuclear Fuel to the INL;

WHEREAS, the United States government is proposing to convert the 900,000 gallons of liquid nuclear waste stored at the INL into a solid by-product with an Integrated Waste Treatment Unit. Such a conversion will eliminate the risk of a catastrophic leak of more than 900,000 gallons of liquid nuclear waste into the Snake River Plain Aquifer. The Snake River Plain Aquifer provides the sole source of drinking water for 300,000 people and provides irrigation water for southern Idaho agriculture. Any such leak would cause irreparable and

extensive environmental and economic damage to the citizens residing in much of southern Idaho;

WHEREAS, instead of imposing no-shipment penalties upon the expiration of the deadline at the end calendar year 2014, Governor Otter and Attorney General Wasden agreed, as explained in letters dated January 8, 2015 and February 27, 2015, to allow the receipt of Spent Nuclear Fuel provided Integrated Waste Treatment Unit is operational and provided DOE enters into an enforceable commitment to resolve the 1995 Settlement Agreement noncompliance issues;

WHEREAS, In March 2015, the DOE and the Idaho Department of Environmental Quality reached a settlement agreement involving a notice of violation as a result of noncompliance with the deadline to convert the approximately 900,000 gallons of liquid nuclear waste. The settlement provides that DOE will provide a schedule to permanently remove the tanks holding the liquid nuclear waste and that the federal government will pay a penalty of \$648,000 and potentially other penalties if the modified deadlines are not met;

WHEREAS, the City of Hailey has conducted four public hearings and heard from representatives of the Idaho National Laboratory, Attorney General Wasden and the Snake River Alliance. The City of Hailey has also requested input from the Office of Governor Otter but has not received a response;

WHEREAS, Attorney General Lawrence Wasden has repeatedly stated that before any Spent Nuclear Fuel is allowed into the State of Idaho, the United States government must make meaningful progress to remove the danger of more than 900,000 gallons of liquid nuclear waste stored at the INL by the conversion of the liquid waste into a solid by-product;

WHEREAS, the federal government has recently announced that it will ship Spent Nuclear Fuel into other state laboratories unless Idaho agrees to accept the Spent Nuclear Fuel by mid-September, 2015;

WHEREAS, Governor Otter, and United States Senators Risch and Crapo have supported the delivery of Spent Nuclear Fuel without an operational Integrated Waste Treatment Unit. Governor Otter and Senators Risch and Crapo have argued that the Spent Nuclear Fuel delivery will inject up to 20 million dollars into the Idaho economy over the next five years;

WHEREAS, while the City of Hailey supports research projects, any economic benefit derived from the proposed Spent Nuclear Fuel research must be weighed against the failure of the federal government to meet the deadlines of the 1995 Settlement Agreement and the risk of economic and environmental devastation caused by a leak into the Snake River Plain Aquifer; and

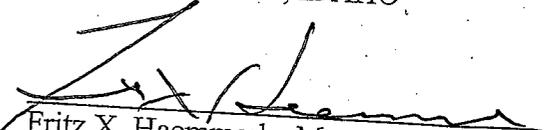
WHEREAS, the State of Idaho should insist on the operation of the Integrated Waste Treatment Unit before any further nuclear waste is delivered into the State of Idaho and uphold the principles of the 1995 Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO:

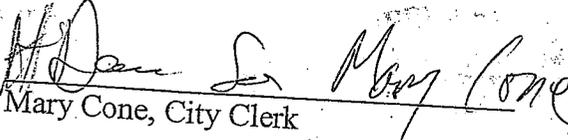
To protect the health, safety and general welfare of the citizens of the State of Idaho, the City of Hailey opposes any and all nuclear waste shipments into the State of Idaho, until the Integrated Waste Treatment Unit is operational and provided DOE enters into an enforceable commitment to resolve the 1995 Settlement Agreement noncompliance issues. The federal government made a commitment to its citizens in the State of Idaho to remove and cleanup radioactive waste that the federal government allowed to be stored at the INL. To date, the federal government has not fulfilled its commitment to the citizens of Idaho. The federal government also agreed that if it did not meet the cleanup deadlines, DOE would not make shipments of Spent Nuclear Fuel to the INL. The federal government now wants to avoid this commitment. Idaho leaders should honor the 1995 Settlement Agreement negotiated by Governor Batt and should take necessary steps to ensure compliance. By making the Integrated Waste Treatment Unit operational before Spent Nuclear Fuel is delivered to the INL, our state leaders can promote compliance with the 1995 Settlement Agreement. The 900,000 gallons of liquid nuclear waste stored over the Snake River Plain Aquifer can and should be more safely contained thereby protecting all of the citizens in Southern Idaho.

PASSED by the City Council and APPROVED by the Mayor on August 31st, 2015.

CITY OF HAILEY, IDAHO


Fritz X. Haemmerle, Mayor

ATTEST:


Mary Cone, City Clerk

