

**THREE MILE ISLAND**

# A L E R T

Three Mile Island Alert  
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Harrisburg, PA 17102-1834  
Telephone: 717.233.7897 FAX: 717.233.3261

**May 1995**

## **CONGRESS SET TO WAGE WAR ON ENVIRONMENT**

As part of its Contract With America, Congressional Republicans have introduced a legislative bombshell that would dismantle the vital framework of laws that now safeguard America's environment and human health. The bill, H.R. 9, the "Job Creation and Wage Enhancement Act," would sweep away many, if not most, of the legal barriers that now shield us from air pollution, toxic waste, rampant logging, oil spills, and dozens of other environmental threats.

Perhaps most sinister of all, the "Job Act" accomplishes all of these goals without directly attacking the Clean Water Act or the Clean Air Act or any of the other environmental laws that we have put in place during the last 25 years. Instead of dismantling existing laws, the "Job Act" simply makes it impossible for existing legislation to accomplish the purposes for which it was enacted. Here is a sample of the provisions in the "The Polluters' Bill of Rights."

1. The Act would give polluters and land owners the right to compensation from the government if they claim that an environmental rule reduces the value of their property by 10 percent. Until the landowner and the government reach an agreement on the amount of compensation to be paid to the landowner, the government would have to cease its environmental protection controls. RESULT: Requiring the government to pay polluters to stop polluting would cripple most environmental and worker safety programs.

2. The Act will require federal agencies to engage in an avalanche of new "cost-benefit" and "risk-assessment" studies before they can issue a rule. Additionally, polluters will have the right to sue the agency before, during, and after the issuance of the rule, and again when the rule is enforced. RESULT: Needed regulations will be subjected to tremendous delay, and there will be innumerable opportunities for polluters to stall the regulations with legal challenges.

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3. The Act will create new panels of "outside experts" with veto power over environmental regulations. These experts will have "recent professional experience" with the problem involved, and will likely include employees of the same polluters that the regulations would affect.

RESULT: The fox gets to guard the chicken house!

4. The Act would require prior notification of all inspections of industries suspected of polluting. It also severely limits agency rights to collect and release information about pollution and health risks. RESULT: Without the ability to conduct unannounced inspections of alleged pollution sites, we will have more polluted rivers and illegal dumps.

5. The Act would void any new national consumer, worker safety, or environmental standards unless the government pays 100 percent of the costs of state and local government enforcement and compliance. RESULT: Given the size of the national debt, it is unlikely that Congress would ever be able to create new standards.

Somehow, the GOP has managed to keep the details of the "Job Act" a secret. This lack of publicity has been so successful that Business Week magazine - one of the few publications to pay attention to the Act - called the Job Act a "stealth environmental policy" that amounts to "a guerilla war on green laws."

To stop the Job Creation and Wage Enhancement Act, we need a massive outcry from concerned citizens. Contact our elected officials; tell them you oppose those portions of the Contract With America -- like the Job Creation and Wage Enhancement Act -- that endanger our environment and public health.

Senator Arlen Specter  
Room 530, Hart SOB  
Washington, DC 20510  
717-782-3951  
202-224-4254  
800-222-2752

Senator Rick Santorum  
B-40 Suite 2, Dirksen SOB  
Washington, DC 20510  
717-231-7540  
202-224-6324

Rep. George Gekas  
Room 2410, Rayburn HOB  
Washington, DC 20515  
717-541-5507  
202-225-4315  
FAX 202-225-8440

**Please renew your TMIA membership  
We Need You More Than Ever!**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

Membership:  \$15 Regular Member  \$50 Sustaining Member

\$25 Non-Profit Org  \$100 Patron

\$5 Low Income/Student  \$200 Club Member

Intervention Fund Contribution:  \$10  \$20  \$50  \$100

Checks of \$50 or more can be made payable to the TMI Legal Fund for tax deduction purposes.

**RETURN TO: TMIA, 315 Peffer Street, Harrisburg, PA 17102**

**ENVIRONMENTALISTS & SPORTSMEN JOIN FORCES**

A coalition of environmental and sportsmen groups has formed to fight attempts by state GOP leaders to scale back environmental laws and regulations. The coalition, made up of groups ranging from the Sierra Club, to the Chesapeake Bay Foundation, to the Pennsylvania Federation of Sportsmen's Clubs, recently launched a petition drive to show public support for environmental protection.

"While the voters did vote for change, they did not vote to dismantle environmental and public health protection measures," said David Byman, chairman of the Sierra Club's Pennsylvania Chapter. He said that "many leaders, some newly elected to power, have misrepresented" last November's GOP electoral landslide.

Already during this legislative session already, more than 80 bills and amendments have been introduced to change state environmental protection laws. Many of these measures threaten to weaken important environmental programs that protect public health, private property, and natural resources.

Here is the text of the petition:

This year, as we celebrate the 25th anniversary of Earth Day and the 24th anniversary of the Environmental Amendment to the Pennsylvania Constitution, we, the undersigned, affirm our support of the environment and call upon the Commonwealth to protect it. Because we believe a clean environment promotes a healthy economy and enhances the quality of life for our citizens and communities,

---We support public health protection and demand that the Commonwealth maintain and rigorously enforce strong water quality standards, air quality regulations; and waste cleanup requirements.

---We ask that more financial resources be allotted for acquisition, management, and conservation of our forests and parks.

---We recognize the interconnectedness of all things and call for initiatives to enhance biodiversity and to protect wetlands and wildlife habitat.

A copy of the petition is included with this newsletter. Additional copies of the petition can be obtained by calling Deanne Fogarty at the Sierra Club's Pennsylvania Chapter at 717-232-0101. The petition drive will run until May 15; the coalition plans to present the petitions to Governor Ridge and the General Assembly in late May.

**PULL THE PLUG ON ENERGY WASTE**

The United States is by far the largest energy-consuming nation on Earth, with much of the energy simply wasted through careless and inefficient use. By becoming aware of how we use and misuse electricity on a daily basis, we become aware of the value of energy and of our wasteful habits. Over time, we can thus make better, thoughtful choices in our use of energy and make permanent changes in our behavior toward sustainable energy-use practices.

Here are some suggestions for energy savings in six energy-use categories:

Transportation: use mass transit, carpool, bicycle, walk;

Climate-control: reduce temperature settings, wear clothing appropriate to temperature, close unused rooms and vents, use curtains/blinds/shades for insulation, open/close windows to regulate air temperature;

Lighting: turn off unneeded lights, install energy-efficient bulbs;

Water: reduce temperature setting on water heated, install water heater blanket/insulator, install low-flow showerhead, install water-displacement container in toilet tank;

Electronic communication: reduce use or turn off TV, radio, VCR, phone, FAX, computer, videogames;

Food preparation: prepare non-cooked meals, use solar cookers.

## **FUNDING RESTORED FOR TMI HEALTH STUDY**

In his recently-presented 1995-96 budget request, Governor Ridge failed to provide a line item in the Health Department's budget to continue funding health studies begun after the accident at Three Mile Island. The decision to discontinue the studies brought a wave of criticism from health groups and TMI watchers, including TMIA. TMIA Chairperson Eric Epstein contacted State Senator John Shumaker and State representatives Bruce Smith and Ron Buxton to express concern over the program's absence from the governor's budget.

After being contacted by numerous groups and individuals demanding that the budget item be restored, Health Department spokesman Bob Fisher announced that even though the governor's 1995-96 budget proposal did not specifically include the TMI studies, the programs will continue at approximately their current funding levels. Fisher said there was "no reason in particular" why the health studies were no longer itemized in the budget proposal. This year, the department allocated \$201,000 to examine the health effects of the TMI accident on people who were living near the plant during the 1979 accident.

## **CONGRESS CONSIDERS RADIOACTIVE WASTE POLICY**

On March 2, the Senate Energy Committee held its first hearings on proposals to revamp the nation's high-level nuclear waste policy. Two senate bills, S.167 (Johnston, La.) and S.443 (Grams, Minn.) both seek to jumpstart the current stalled nuclear waste program by requiring the Department of Energy (DOE) to establish "interim" storage facilities for radioactive waste.

The senate hearing did not appear to go as the nuclear industry's backers had planned. Despite Energy Committee Chairman Frank Murkowski's stated intention to move a radioactive waste bill through the Senate this session, Murkowski appeared unsure of the direction he wants to take and has even suggested reviving a discussion of reprocessing nuclear waste, a discredited and uneconomical option.

Meanwhile, Senator Johnson, who is adamantly pro-nuclear, appeared frustrated by the lack of a clear nuclear industry preference and direction. Without a more cohesive industry view, Johnston fears that it may prove impossible to move a bill through Congress. Johnston pointed that out that although the Grams bill and a related House bill require DOE to accept nuclear waste by January 31, 1998, no one really believes that it is possible to build an "interim" storage facility by that time, or even to build and license multi-purpose canisters to transport the waste. Johnston suggested that 2002 is a more realistic time frame. The industry, however, wants DOE to take title to and liability for the waste no later than 1998, regardless of whether a storage facility is built.

Senator Paul Wellstone (D-Minn.) questioned whether taxpayers should ever take title to and liability for the waste, and said he might accept "interim" storage if title and liability remained with the waste generators. Such a proposal is opposed by the nuclear industry, which wants to be rid

of its nuclear waste as soon and as cheaply as possible.

Despite the fact that the nuclear industry seems unsure about what specifics to endorse, it is nonetheless true that the industry has spent considerable time and money over the past two years to achieve a nuclear waste program that solves its storage problems. The uncertainty within the pro-nuclear camp may mean that it has not yet determined how much it can get away with, and thus has not united behind a specific proposal. In any event, however, it is clear that the purpose of all of the "reform" legislation is to encourage the continued and even expanded usage of nuclear power -- not to solve the as-yet unsolved problems stemming from atomic generation.

For complete copies of the bills, send \$5.00 to Nuclear Information & Resource Service, 1424 16th Street NW, Suite 601, Washington, DC 20036. The bills are also available from NIRSNET, from the NIRS library on America Online, or from the Library of Congress at <http://www@thomas.loc.gov> on the World Wide Web.

## **OPPOSITION MOUNTS TO PP&L RATE HIKE**

State Consumer Advocate Irwin Popowsky doesn't think that Pennsylvania Power & Light Co. deserves the nearly 12 percent rate increase it is seeking; instead, Popowsky is urging the Public Utilities Commission (PUC) to adopt a series of rate reductions that would result in revenues almost 3 ½ percent lower than what the utility receives currently.

The \$261 million rate hike would result in a 13 percent profit margin for PP&L, well above the 11.1 percent profit limit, contends Popowsky's office. The lower profit rate would reduce the rate hike by \$83 million. In addition, the utility should not be allowed to earn profits on excess capacity at its Susquehanna Unit 2 nuclear reactor; PP&L is asking for a return of \$65 million on the unneeded capacity at the nuclear reactor. Eliminating the future decommissioning costs would cut another \$45 million from the proposed rate increase. Finally, Popowsky argues that additional rate reductions of \$73 million should be imposed on the utility.

As proposed by PP&L, the average residential electric bill would increase by more than 15 percent, while corporate and industrial customers will see their bills go up only about 8-10 percent. Because of the substantial increase in residential rates, low-income Pennsylvanians will be especially hard hit by the proposed increase. Popowsky has asked the PUC to revise the rate schedule so that residential customers would not have to shoulder such a large portion of the higher rates, if the PUC approves a higher rate. Advocates for low-income Pennsylvanians, including the Harrisburg Center for Peace & Justice, have also petitioned the PUC in opposition to the size and apportionment of the proposed rate increase.

Finally, Eric Epstein is one of over a dozen parties, including the Office of Consumer Advocate, the Department of Defense, Industrial Consumers Alliance, and Bethlehem Steel who are suing to prevent the \$261 million annual rate from taking effect.

Epstein's intervention focuses on the cost to decommission the Susquehanna Nuclear Generating Station and the cost to manage low-level and high-level radioactive waste. Epstein has established through cross-examination of PP&L's witnesses that decommissioning costs have increased by 553% since the 1980's, and that by the year 2002, PP&L will run out of spent fuel storage space. Epstein is arguing that the shareholder and not the ratepayer should pay for increased decommissioning and radioactive waste storage costs.

The PUC evidentiary hearings resume in late April, and continue during May; call TMIA for a schedule. The PUC is expected to rule on the rate increase by September. Anyone wishing to comment on the PP&L increase should contact the PUC administrative law judge who is gathering evidence and taking testimony. Send your comments to Michael C. Schnierle, ALJ, Pennsylvania Public Utility Commission, PO Box 3265, Harrisburg, PA 17105-3265. Commenters

are encouraged to send a copy of their letter to Mary Kenney, Assistant Consumer Advocate, Office of Consumer Advocate, 1425 Strawberry Square, Harrisburg, PA 17120.

**News Notes**

- » Utilities, Consumers & Public Policy IV- a statewide forum for exchanging ideas on utility consumer problems, policies and programs. May 15,16 & 17, 1995, at the Nittany Lion Inn, University Park, PA. Hosted by the PA Public Utilities Commission and Penn State University. Call TMIA for a registration form.
- » Mine Drainage & Watersheds: A Regional Conference on Restoration & Management. June 1-3, 1995, at Clarion University, Clarion, PA. For more information, contact Dr. Jack Williams, Biology Department, Clarion University, 814-226-2273, FAX 814-226-2731.
- » PA Land Trust Handbook available. Comprehensive 200+ page manual covers the full range of topics related to land trusts, including starting and organizing a land trust; incorporating a land trust; attaining and maintaining tax-exempt status; land acquisition methods; conservation easements; and land trust management. The handbook is available for \$10 from Chesapeake Bay Foundation, 214 State Street, Harrisburg, PA 17101. Phone: 717-234-5550.
- » Solar Today is a bimonthly magazine published by the American Solar Energy Society. Call TMIA for subscription information.
- » The School of Living Permaculture Committee presents the 1995 Directory of Permaculture Education in Northeastern North America. The School, located in Cochranville, Pennsylvania, provides evening talks, one and two day workshops, and ten day and two week courses on all aspects of permaculture. The School of Living is an educational organization dedicated to learning and teaching philosophies, practices, and principles of living that create decentralized, ecologically sound, self-governed and humane communities. For more information about the educational programs of the School, call TMIA or write School of Living, RD 1, Box 185A, Cochranville, PA 19330.



# Pennsylvania Constitution

## Section 27

**The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment.**

**Pennsylvania's public natural resources are the common property of all the people, including generations yet to come.**

**As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.**

# Petition

This year, as we celebrate the 25th anniversary of **Earth Day** and the 24th anniversary of the **Environmental Amendment** to the Pennsylvania Constitution, we, the undersigned, affirm our support of the environment and call upon the **Commonwealth** to protect it. Because we believe a clean environment promotes a healthy economy and enhances the quality of life for our citizens and communities,

- We support **public health protection** and demand that the Commonwealth maintain and rigorously enforce strong **water quality standards, air quality regulations; and waste cleanup requirements**.
  - We ask that more financial resources be allocated for acquisition, management, and conservation of our **forests and parks**.
  - We recognize the interconnectedness of all things and call for initiatives to enhance **biodiversity** and to protect **wetlands and wildlife habitat**.

**NAME**

**ADDRESS**

*When petition is full,  
Please return to:*

**CONSERVATION NETWORK  
PETITION DRIVE  
P.O. BOX 158  
HARRISBURG, PA 17108**

