

Representative Keele Johnson proposes to substitute the following bill:

**RESOLUTION REGARDING MOVING
RADIOACTIVE TAILINGS IN MOAB**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Keele Johnson

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGING
CONGRESS TO MOVE AUTHORITY FOR THE MANAGEMENT OF THE ATLAS MILL
TAILINGS SITE FROM THE NUCLEAR REGULATORY COMMISSION TO THE
DEPARTMENT OF ENERGY IN ORDER TO FACILITATE REMOVAL OF THE TAILINGS
TO AN ENVIRONMENTALLY PREFERRED LOCATION.

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the Atlas Corporation operated a uranium processing mill on the north bank
of the Colorado River from 1962 to 1984, and during this time the mill tailings were deposited in
an unlined pond partially located in a flood plain on the north bank of the Colorado River,
approximately three miles from Moab, Utah;

WHEREAS, this tailings site consists of 10.5 million tons of radioactive mill wastes,
making it the fifth largest uranium tailings pile in the United States, and the largest such site
located near a river;

WHEREAS, this site lies about 750 feet from the Colorado River as it flows at normal
levels, but occasionally during spring runoff the Colorado floods the base of the tailing pile;

WHEREAS, the Oak Ridge National Laboratory has studied the ground water at the site,
and has determined tailings contaminants have already leaked from the Atlas tailings pile,
contaminating groundwater that discharges directly into the Colorado River;

WHEREAS, some of these plumes, containing contaminants such as ammonia, uranium,
molybdenum, and nitrates, are mature and have been leaking into the river for years, and additional

26 plumes of less mobile contaminants, such as selenium are only recently reaching the river;

27 WHEREAS, the volume of contaminated groundwater is the largest at any uranium tailings
28 site near a river and includes concentrations of contaminants hundreds of times higher than the
29 established background and drinking water standards;

30 WHEREAS, according to the Oak Ridge National Laboratory study, the tailings pile itself
31 contains 426 million gallons of intensely contaminated liquids, and if the tailings are capped in
32 place, these liquids, which are currently leaking into groundwater at approximately 12,000 to
33 30,000 gallons per day will still continue, under current conditions, to seep into the groundwater
34 and into the Colorado River at a rate of over 5,000 gallons per day for many years into the future;

35 WHEREAS, the Utah Department of Environmental Quality has taken samplings from the
36 Colorado River at locations downstream from the tailings pile and has determined that 13
37 pollutants, including ammonia, nitrates, and uranium are present in dramatically increased amounts
38 directly downstream from the pile;

39 WHEREAS, the U.S. Fish and Wildlife Service has stated in its Biological Opinion
40 regarding the site that the pollution jeopardizes the endangered Colorado squawfish and razorback
41 sucker, and also that capping the tailings in place will not stop the continued contamination, which
42 will include infiltration of surface water through the cap and into the tailings pile;

43 WHEREAS, eventually all the water of the Colorado, including water downstream from
44 the site, is appropriated for human uses, including: drinking water for 20 million Americans;
45 recreation, as a number of National Parks are located downstream, including Canyonlands National
46 Park, Glen Canyon National Recreation Area, Grand Canyon National Park, and Lake Mead
47 National Recreation Area; and irrigation for food crops;

48 WHEREAS, the Department of Energy has spent about one billion dollars removing
49 tailings from sites on the rivers of the southwest, including: Rifle, Colorado; Grand Junction,
50 Colorado; and Durango, Colorado, and similarly situated radioactive waste sites around the country
51 have been remediated by removal of the waste to an environmentally safe location;

52 ~~§ [WHEREAS, Atlas Corporation, which owns the site, is in bankruptcy proceedings, and~~
53 ~~should not be required to assume any more than \$8.36 million of the costs of cleanup of this site;]~~ §

54 WHEREAS, the Nuclear Regulatory Commission favors capping of the site, although its
55 Draft Environmental Impact Study stated that relocating the tailings was preferable to capping in
56 every respect except cost; and

57 WHEREAS, the cost of removing the tailings and effectively preventing further
58 contamination of groundwater and of the Colorado River waters may be as much as \$155 million
59 dollars, and the Title I Department of Energy program under the Uranium Mill Tailings Radiation
60 Control Act of 1978 (UMTRCA) has received federal appropriations for removing tailings from
61 similar sites and the DOE staff has developed expertise in conducting these removals:

62 NOW, THEREFORE, BE IT RESOLVED that to facilitate the removal of the tailings from
63 the Atlas site to an environmentally preferred location, and to protect the waters of the Colorado
64 River, the Legislature of the state of Utah, the Governor concurring therein, urge the Utah
65 congressional delegation to lead a legislative initiative to transfer the jurisdiction of the Atlas mill
66 tailings site from the Nuclear Regulatory Commission to the Department of Energy, so that the
67 Atlas site may be funded and managed as a UMTRCA Title I site.

68 BE IT FURTHER RESOLVED that copies of this resolution be sent to the members of the
69 Utah congressional delegation, and Congressman George Miller of California, who sits on the
70 House Committee on Resources.