

1 **RESOLUTION REGARDING MOVING**
2 **RADIOACTIVE TAILINGS IN MOAB**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Keele Johnson**

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

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

12 WHEREAS, the Atlas Corporation operated a uranium processing mill on the north bank
13 of the Colorado River from 1956 to 1984, and during this time the mill tailings were deposited in
14 an unlined pond located in a flood plain on the north bank of the Colorado River, approximately
15 three miles from Moab, Utah;

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

19 WHEREAS, this site lies about 750 feet from the Colorado River as it flows at normal
20 levels, but in approximately one year out of three during spring runoff the Colorado floods the base
21 of the tailing pile;

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

25 WHEREAS, some of these plumes, containing contaminants such as ammonia, uranium,
26 molybdenum, and nitrates, are mature and have been leaking into the river for years, and additional
27 plumes of less mobile contaminants, such as selenium are only recently reaching the river;

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

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

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

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

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

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

53 WHEREAS, Atlas Corporation, which owns the site, is in bankruptcy proceedings, and is
54 unable to assume any more than \$8.36 million of the costs of cleanup of this site;

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

58 WHEREAS, the cost of removing the tailings and effectively preventing further

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

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

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

Legislative Review Note
as of 1-5-99 10:06 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel