

1 **RESOLUTION URGING FEDERAL**
2 **GOVERNMENT REVIEW OF ALTERNATIVES**
3 **FOR ATLAS MILL TAILINGS**

4 2002 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Mike Dmitrich**

7 **This joint resolution of the Legislature urges the federal government to evaluate all**
8 **legitimate relocation alternatives for the Atlas Minerals Corporation Moab uranium mill**
9 **tailings. The resolution also urges that a mill tailings relocation study be conducted by the**
10 **Natural Resources, Agriculture, and Environment Interim Committee during the 2002**
11 **legislative interim.**

12 *Be it resolved by the Legislature of the state of Utah:*

13 WHEREAS, between 1956 and 1984, at the direction of the Federal Atomic Energy
14 Commission, the Atlas Minerals Corporation and its predecessors deposited approximately 10.5
15 million tons of uranium mill tailings into an unlined pile adjacent to and in the floodplain of the
16 Colorado River approximately three miles northwest of Moab, Utah;

17 WHEREAS, the Atlas Minerals Corporation is now bankrupt, and the Federal Department
18 of Energy has acquired title to the property and responsibility for its cleanup;

19 WHEREAS, federal law mandates remediation of this site in accordance with Title I of the
20 Uranium Mill Tailings Radiation Control Act of 1978, but exempts Utah from the cooperative
21 agreement participation requirement and its 10% cost-share obligation;

22 WHEREAS, the Department of Energy has prepared a draft preliminary plan for the
23 remediation which has been submitted to the National Academy of Sciences for its review and
24 comment before the Secretary of Energy selects a remediation alternative;

25 WHEREAS, presently, the major benefit for remediation-in-place is a cost savings, but
26 there is a greater likelihood that costs could increase in the long term;

27 WHEREAS, because of the geologic complexity of the Moab site there are uncertainties



28 associated with the long-term integrity of the remediation-in-place alternative;

29 WHEREAS, by relocating the pile and disposing of the tailings off-site, a stable disposal
30 site can be selected to better ensure cell performance that minimizes potential long-term hazards
31 and active maintenance requirements, and facilitates remediation of contaminated groundwater at
32 the Moab site;

33 WHEREAS, of the more than 20 Uranium Mill Tailings Radiation Control Act processing
34 sites, no precedent exists for remediating a uranium mill tailings pile in a floodplain;

35 WHEREAS, tailings piles at seven other processing sites located in the Colorado River
36 drainage basin upstream from the Moab site were relocated in areas outside the influence of the
37 river; and

38 WHEREAS, the Governor, the Department of Environmental Quality, and many other
39 federal and local officials and citizens of Moab have urged that the tailings be relocated:

40 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah urges
41 the United States Federal Department of Energy, the National Academy of Sciences, and the
42 Secretary of Energy to choose an option to relocate rather than to remediate the mill tailings
43 adjacent to the floodplain of the Colorado River approximately three miles northwest of Moab,
44 Utah.

45 BE IT FURTHER RESOLVED that a study be conducted by the Natural Resources,
46 Agriculture, and Environment Interim Committee during the 2002 legislative interim to determine
47 ways the state might assist in furthering the viability of a relocation alternative.

48 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United States
49 Department of Energy, the National Academy of Sciences, the Secretary of Energy, and the
50 members of Utah's congressional delegation.

Legislative Review Note
as of 1-31-02 11:55 AM

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

Office of Legislative Research and General Counsel