

1 **CONCURRENT RESOLUTION SUPPORTING THE REMOVAL**
2 **OF URANIUM MILL TAILINGS NEAR THE COLORADO**
3 **RIVER IN MOAB**

4 2021 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: David P. Hinkins**

7 House Sponsor: Christine F. Watkins

9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution urges the Department of Energy to take appropriate action
12 regarding removal of uranium mill tailings.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ outlines the history of efforts to remove the uranium mill tailings;
- 16 ▶ discusses the risks associated with not removing the uranium mill tailings in a
17 timely manner; and
- 18 ▶ urges the Department of Energy to expedite and fully fund the removal of the
19 remaining uranium mill tailings from the banks of the Colorado River located at the
20 Moab Uranium Mill Tailings Remedial Action (UMTRA) Project site.

21 **Special Clauses:**

22 None

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

25 WHEREAS, in October 2000, the Floyd D. Spence National Defense Authorization Act
26 of 2001 assigned the United States Department of Energy responsibility to establish a remedial
27 action program and stabilize, dispose of, and control uranium mill tailings and other
28 contaminated material at the Moab, Utah uranium ore processing site and associated properties
29 in the vicinity;

30 WHEREAS, the remedial action project involved the excavation of an estimated 16
31 million ton pile of uranium mill tailings from the Moab site near the Colorado River and
32 transportation to and disposal at engineered disposal cells constructed at Crescent Junction, 30
33 miles north of Moab;

34 WHEREAS, in 2005, the Department of Energy released the Record of Decision to
35 move the 16 million tons of uranium mill tailings to Crescent Junction;

36 WHEREAS, the National Defense Authorization Act of 2008, passed by the United
37 States Congress on January 28, 2008, established a target completion date of 2019 for the
38 Moab Uranium Mill Tailings Remedial Action (UMTRA) Project;

39 WHEREAS, remediation of the Moab UMTRA Project must be performed in
40 accordance with Title I of the Uranium Mill Tailings Radiation Control Act and related federal
41 cleanup standards;

42 WHEREAS, the Department of Energy established the strategic goal to meet the
43 challenges of the twenty-first century and the nation's Manhattan Project and Cold War legacy
44 responsibilities and to work aggressively to address cleanup at the Moab site;

45 WHEREAS, in federal fiscal years 2010 and 2011, the Moab UMTRA Project with
46 additional funding from the American Recovery and Reinvestment Act from 2008 was able to
47 move more than two millions tons of tailings annually to Crescent Junction for disposal;

48 WHEREAS, if 2010 and 2011 fiscal year funding levels had continued, the 2019 target
49 date set by the National Defense Authorization Act would have been met;

50 WHEREAS, by fiscal year 2018 the available funding of \$37.5 million was sufficient to
51 transport only 480,000 tons per year;

52 WHEREAS, for both fiscal years 2019 and 2020, the Moab UMTRA Project's budget
53 was increased to \$45 million, and that following additional hiring and contracting, tailings
54 transport increased to 709 thousand tons in federal fiscal year 2019 and 859 thousand tons in
55 fiscal year 2020 and operated at an annual rate of 944,000 tons under continuing resolutions
56 during the first quarter of fiscal year 2021;

57 WHEREAS, the additional funding authorized for fiscal years 2019 and 2020,

58 following a three month mobilization period at the start of 2019, made it possible for the Moab
59 UMTRA Project to switch from normally sending two trainloads of tailings per week to
60 sending four trainloads per week starting on February 4, 2019, and that the Moab UMTRA
61 Project has also worked to increase tailings transport through equipment changes and
62 modification of operating procedures;

63 WHEREAS, the increased budgets for fiscal years 2019 and 2020 have demonstrated
64 that the Moab UMTRA Project can effectively use additional funding to increase the rate of
65 annual tailings transport and disposal;

66 WHEREAS, by the end of 2020, the Moab UMTRA Project had transported about 11.2
67 million tons of tailings from the Moab site to Crescent Junction and thus completed an
68 estimated 70% of uranium mill tailings removal;

69 WHEREAS, maintaining the Moab UMTRA Project's annual budget at a minimum of
70 the 2018 inflation adjusted equivalent of \$45 million per year will reduce the number of years
71 necessary to fund full tailings removal and associated Moab UMTRA Project overhead;

72 WHEREAS, as long as the tailings are located along the Colorado River, there is
73 potential for a major flood event to disrupt Moab UMTRA Project operations and contaminate
74 the water supply for many of the Colorado River's 40 million users;

75 WHEREAS, the section of the Union Pacific rail line that the Moab UMTRA Project
76 uses for its tailings loading operation was the scene of a major landslide that interrupted
77 tailings transport for two months and resulted in over \$1 million in mitigation costs;

78 WHEREAS, the geologic hazard to employees working under the cliff has been
79 mitigated by construction of a reinforced concrete wall, continuous radar monitoring for rock
80 movement, and procedures that reduce employee time beneath the most recent slide area,
81 however the hazard to workers can be further mitigated by reducing the number of years
82 workers are loading trains;

83 WHEREAS, the geologic hazards associated with the Moab UMTRA site will continue,
84 which will increase the cost of the project to taxpayers;

85 WHEREAS, 485 acres of prime real estate cannot be used until the pile is removed and

86 the land is remediated;

87 WHEREAS, until the project is completed, the acreage is a blight, rather than a benefit,
88 to Grand County;

89 WHEREAS, the tailings pile can be viewed by the people who annually visit Arches
90 and Canyonlands National Parks;

91 WHEREAS, the Department of Energy, upon completion of remedial action work at
92 some of the Department of Energy's sites, has transferred the property to other governmental
93 entities for future beneficial community uses;

94 WHEREAS, both Grand County and Moab City have passed resolutions affirming their
95 desire to obtain title to the Moab UMTRA Project site so that the property may be used for
96 future beneficial community uses;

97 WHEREAS, both Grand County and Moab City conducted public planning processes
98 and approved their joint plan for future uses of the Moab UMTRA Project site in 2013 and the
99 plan and guidelines for the development of future uses of the Moab UMTRA site were further
100 refined in 2018 and scheduled for additional planning in 2023;

101 WHEREAS, the Legislature and Governor of the state of Utah are committed to the
102 health, safety, and welfare of the citizens of Grand County, Utah, and the 40 million users of
103 water from the Colorado River; and

104 WHEREAS, there is support for the prompt completion of the Moab UMTRA Project
105 from Utah's congressional delegation as well as from members of the downstream
106 congressional delegations from Arizona, California, and Nevada:

107 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
108 Governor concurring therein, joining with the states of Arizona, California, and Nevada in
109 urging the United States Department of Energy to expedite and fully fund the removal of the
110 estimated remaining 4.8 million tons of uranium mill tailings from the banks of the Colorado
111 River located at the Moab UMTRA Project site by no later than 2025.

112 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United
113 States Department of Energy, the United States Nuclear Regulatory Commission, the Grand

114 County Council, and the congressional delegations of Utah, Arizona, California, and Nevada.