

1 **CONCURRENT RESOLUTION REQUESTING THE**
2 **DEPARTMENT OF ENERGY ADEQUATELY FUND THE**
3 **URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT**

4 2017 GENERAL SESSION

5 STATE OF UTAH

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

7 House Sponsor: Christine F. Watkins

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution of the Legislature and the Governor requests that the United
12 States Department of Energy allocate adequate funding to complete the Moab Uranium
13 Mill Tailings Remedial Action project by 2025.

14 **Highlighted Provisions:**

15 This resolution:

16 ▶ urges the United States Department of Energy to allocate adequate funding for the
17 expedited removal of the remaining eight million tons of uranium mill tailings from
18 the banks of the Colorado River, formally known as the Moab Uranium Mill
19 Tailings Remedial Action project; and

20 ▶ urges the United States Department of Energy to allocate adequate funding to
21 ensure that the tailings are safely transported to the Crescent Junction disposal cells
22 by 2025.

23 **Special Clauses:**

24 None

25
26 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

27 WHEREAS, in October 2000, the Floyd D. Spence National Defense Authorization Act



28 of 2001 assigned the United States Department of Energy (DOE) responsibility to establish a
29 remedial action program and stabilize, dispose of, and control uranium mill tailings and other
30 contaminated material at the Moab, Utah, uranium ore processing site and associated properties
31 in the vicinity;

32 WHEREAS, the project involves the excavation of a 16 million-ton pile of uranium
33 mill tailings from the Moab site near the Colorado River and transportation to and disposal at
34 engineered disposal cells constructed at Crescent Junction, 30 miles north of Moab;

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

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

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

43 WHEREAS, the United States Nuclear Regulatory Commission must concur with the
44 remediation plan and sign off on the project when it is completed;

45 WHEREAS, DOE identified as its strategic goal meeting the challenges of the
46 twenty-first century and the nation's Manhattan Project and Cold War legacy responsibilities
47 and working aggressively to address cleanup at the Moab site;

48 WHEREAS, as of January 2016, the Moab UMTRA project had removed eight million
49 tons from the Moab site to the disposal site, marking a 50% completion of the uranium mill
50 tailings removal to Crescent Junction since the project began in 2009;

51 WHEREAS, this accomplishment elicited praise from a DOE official;

52 WHEREAS, in 2010 and 2011, the project was adequately funded, in part due to
53 additional funding provided in 2008 by the American Recovery and Reinvestment Act;

54 WHEREAS, if 2010 and 2011 funding levels had continued, the 2019 target date set by
55 the National Defense Authorization Act of 2008 would have been met;

56 WHEREAS, after 2011, funding diminished to the point where the removal of tailings
57 was reduced by half and created inadequate funds for maintenance of equipment and
58 development of disposal cells;

59 WHEREAS, the fiscal year 2016 budget allocation of \$38.6 million is insufficient to
60 keep the project on track;

61 WHEREAS, if funding continues at this level and the volume of tailings removed
62 remains unchanged from current levels, it is estimated that the project cannot be completed
63 before 2034 and will cost taxpayers an estimated \$250 million more than if the project were
64 completed by 2025;

65 WHEREAS, the fiscal year 2017 ~~budget allocation~~ reduction cut of 3.86 million
65a for the project

66 exacerbates the problem;

67 WHEREAS, when funding is adequate, Grand County's unemployment decreases and
68 cash flow to local businesses and service providers increases;

69 WHEREAS, cutbacks made in response to proposed funding decreases have already
70 caused a significant impact on Grand County's rural economy;

71 WHEREAS, the risk and safety concerns associated with the Moab UMTRA project
72 continue as long as the tailings remain at their current location on the Colorado River;

73 WHEREAS, major flooding of the Moab UMTRA site has the potential to damage
74 equipment, intrude upon the mill tailings pile, and contaminate water for the 27 million water
75 users downstream;

76 WHEREAS, in 2011, the Colorado River reached a high water episode of sustained
77 runoff of almost 50,000 cubic feet per second for nearly two weeks, with water at least 10 feet
78 high at the edge of the pile;

79 WHEREAS, in 2006, an extreme precipitation event occurred when four inches of rain
80 fell directly on top of the Moab UMTRA site causing unexpected erosion and exposure of the
81 tailings;

82 WHEREAS, each event slowed operations, which added to the project's cost;

83 WHEREAS, a portion of the Union Pacific Railroad that the Moab UMTRA project
84 uses to transport and load tailings is located next to a steep slope that is susceptible to
85 rockslides;

86 WHEREAS, in 2014, a rockslide covered the rail line with thousands of tons of debris,
87 which interrupted tailings shipments for two months;

88 WHEREAS, mitigation costs of the rockslide reached \$1 million and prevented 80,000
89 tons of tailings from being shipped;

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

92 WHEREAS, 485 acres of prime real estate cannot be used until the pile is removed and
93 the land is remediated;

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

96 WHEREAS, the longer the project is delayed, the longer the tailings pile will be viewed
97 by the more than one million people who annually visit Arches and Canyonlands National
98 Parks;

99 WHEREAS, the Legislature and the Governor of the state of Utah are committed to the
100 health, safety, and welfare of the citizens of Grand County, Utah, and all of the 27 million \$→
100a downstream ←\$

101 water users of the Moab UMTRA site; and

102 WHEREAS, there is bipartisan support for prompt project completion from Utah's
103 congressional delegation as well as congressional delegations from Arizona, California, and
104 Nevada, who are the downstream states:

105 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
106 Governor concurring therein, joins the states of Arizona, California, and Nevada in urging the
107 United States Department of Energy to expedite and fully fund the removal of the remaining
108 eight million tons of uranium mill tailings from the banks of the Colorado River.

109 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the United
110 States Department of Energy to allocate adequate funding, estimated at \$45 million annually, to
111 ensure that the uranium mill tailings are safely transported to the Crescent Junction disposal
112 cells by 2025.

113 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United
114 States Department of Energy, the United States Nuclear Regulatory Commission, the Grand
115 County Council, and the congressional delegations of Utah, Arizona, California, and Nevada.

Legislative Review Note
Office of Legislative Research and General Counsel