CONCURRENT RESOLUTION SUPPORTING THE REMOVAL OF URANIUM MILL TAILINGS NEAR THE COLORADO RIVER IN MOAB

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:  David P. Hinkins
House Sponsor:  Christine F. Watkins

LONG TITLE

General Description:
This concurrent resolution urges the Department of Energy to take appropriate action regarding removal of uranium mill tailings.

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

Special Clauses:
None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:
WHEREAS, in October 2000, the Floyd D. Spence National Defense Authorization Act of 2001 assigned the United States Department of Energy responsibility to establish a remedial action program and stabilize, dispose of, and control uranium mill tailings and other
contaminated material at the Moab, Utah uranium ore processing site and associated properties in the vicinity;

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

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


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

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

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

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

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

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

WHEREAS, the additional funding authorized for fiscal years 2019 and 2020, following a three month mobilization period at the start of 2019, made it possible for the Moab
UMTRA Project to switch from normally sending two trainloads of tailings per week to sending four trainloads per week starting on February 4, 2019, and that the Moab UMTRA Project has also worked to increase tailings transport through equipment changes and modification of operating procedures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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