

December 23, 2011

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***Community concerns about the length of exposure to radon and contaminated water,
continuing contamination, failed remediation.***

Dear Legislators and Homestake/Barrick Gold Regulators,

We have written to you, cooperated with your processes, pleaded, engaged in your studies, and once again we are telling you that what has been done to remediate the 200-acre, 100-foot high radioactive toxic dump we live next to is not enough.

The New Mexico Environment Department (NMED), the Nuclear Regulatory Commission (NRC), and the United States EPA (EPA) recently met because the EPA had concerns about how this site is being remediated (letters attached). The NRC told EPA if they did not approve of the way the site was being remediated, the EPA could take over the site. The EPA declined and NMED stood by silently, even though BVDA had specifically requested NMED ask EPA to take the lead on this site. Our community has no confidence in the NRC and no trust in its processes. Thus, we were disappointed that the EPA did not step forward and NMED did not push for their lead on the Homestake/Barrick Gold site.

We were further disappointed to learn that our call for a study to locate a regional facility (possibly in the Ambrosia Lake area) for the off-site removal of the large tailings pile at the Homestake/Barrick Gold site and removal from sites on the Navajo reservation was also ignored.

We have been advised to send separate letters for each of the issues related to our site. As a working class community and organization whose members all have jobs, we do not have time to send each issue under a separate cover. So we are sending, in this letter, separate pages, which you can copy with our heading and distribute to the appropriate parties. We would like you to let us know who, in your office, will be addressing each of these issues and create a time and date when we can call in monthly for updates. We have been patient for over 30 years. Enough is enough.

In brief, we request the following:

- 1. Advise the U.S. Department of Energy (DOE) to fund EPA to study sites for removal of uranium mill tailings from the Homestake/Barrick Gold Superfund Site and mine and mill tailings from the Red Water Pond Road (RWPRC) and other Navajo Communities to a safe, permanent location in a lined, state-of-the-art facility possibly via slurry and conveyor technology to minimize community and worker exposures. This makes sense because DOE will have long-term responsibility for this site. Letting Homestake/Barrick study the feasibility of such a move is obviously not acceptable.**
- 2. BVDA requires a meeting in 2012 between the EPA, NRC, NMED, Navajo EPA and New Mexico's federal congressional delegation so that lawmakers can understand what regulations are blocking full cleanup of BVDA and RWPRC sites to pre-mining and milling conditions.**

The following pages will refresh your memories about our site and provide one-page overviews of each issue. This will allow you to assign issues as needed. We would like a response regarding who, from each of your offices, will be handling each issue. Our patience is waning.

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Community concerns about the length of exposure to radon and contaminated water, continuing contamination, failed remediation.

Background

The Bluewater Valley Downstream Alliance communities have been dealing with the effects of the Homestake/Barrick Gold uranium mill tailings Superfund site for over 30 years now. Community members are dying and we continue to pay for water and therefore must limit our use because the water we owned was taken from us through this contamination. Our health risks have never been adequately assessed but our own BVDA survey shows a ring of cancer around the site and other related diseases and conditions throughout the community. All this on top of considerable water resources lost to the state that may well be needed in the future.

- EPA's recent actions, including an ongoing Risk Assessment and Remedial System Evaluation by the U.S. Army Corps of Engineers have been long overdue and were indeed warranted to address deficiencies in NRC regulated remediation activities at the site. Homestake/Barrick Gold's plans for remediation have all failed. The first plan to keep the plume contained on the site boundaries only pushed the contamination plume further into the community. Every new approach since then has been an unqualified failure. In the beginning, Homestake/Barrick Gold told the community only the alluvial aquifer would be affected and the site would be remediated within 10 years. The contamination has now migrated to the Upper Chinle, Middle Chinle, Lower Chinle, and possibly the San Andres aquifers and we are over 20 years past their target date for cleanup.
- Over 1 million acre feet of water has been contaminated (1,203,200) by Homestake/Barrick Gold and lost to future generations of New Mexicans.
- There is no public confidence in the current remediation. If an uninformed public is confident, it is because those of us who live with this disaster have not done enough to make the real story known. We are working to change that. We believe that with time, the shameful history of regulation at this site will be exposed. The NRC has acted with willful disregard of the environment and of our community's health and welfare and EPA and NMED, thus far, have allowed this to happen.
- It is time to actually clean up this contamination and restore our community's health and environment.
- NRC, EPA and NMED have allowed Homestake/Barrick Gold to pretend they were remediating the site for far too long. While the site is being remediated, our community is left exposed because the NRC's requirements for a "working" site do not protect our health and do not move us forward to restoring the site to pre-mining and milling conditions.
- The U.S. Army Corps of Engineers (USACE) recommended Homestake/Barrick Gold stop adding water to the Large Tailings Pile. The community supports this. Common sense demands it. NRC says there is no need to do it because the "current remediation systems have been making significant progress in improving groundwater." They have

made progress because the clean water is diluting the contamination and this looks like improvement. NRC simply ignores the many technical reasons to stop the flushing, ignores the community, ignores the USACE, and lets Homestake/Barrick Gold try any approach they would like because our community is expendable. The evidence supports our conclusion that the NRC is not concerned with death in our community. If we die, the NRC will no longer have to even pretend to bother with us.

- We have been treated outrageously by every NRC representative who has ever been in contact with us. So much so that, even though we are a traditional, rural community, used to following rules and respecting officials, we have no respect left for this agency. We feel certain they are using every regulation in their power to support Homestake/Barrick Gold. We do not understand why our taxes continue to pay their salaries. Let the nuclear industry fund the NRC because the “regulations” would remain the same from a community standpoint.
- The EPA must act more assertively in regard to the Homestake/Barrick Gold Superfund site. They must work with NMED to insist on moving the tailings pile to a safe, permanent location so that our community’s water can be restored to pre-mining and milling conditions and radon risks can be eliminated. Even then, our community will continue to suffer health effects but at least the exposure can be eliminated.

Each issue is briefed in full on the following pages.

Moving tailings to safe, permanent location.

BVDA has been told this is a political problem not a technical problem. We fail to understand why the Moab tailings pile can be moved but not ours. It is essential for a number of reasons:

1. The current tailings pile is unlined and we are told it will leak “into perpetuity” by an EPA staffer. This continued leaking means continued water contamination. Removing the major source of contamination will allow Homestake/Barrick Gold to make progress on cleaning the contaminated water rather than just diluting and further contaminating the underlying aquifers.
2. Tailings removal also reduces the community’s radon exposure. We have been exposed to this site for too long.
3. Tailings removal can be done safely and other communities, including the Red Water Pond Road Community, Mariano Lake, and Blue Gap also need off-site removal. Finding a centrally located site for a state-of-the-art regional storage facility is needed immediately.
4. Allowing Homestake/Barrick Gold to “study the feasibility” of off-site removal is ludicrous. The company has always opposed such a move and NMED, EPA and NRC allowing Homestake/Barrick to gather a set of facts to support their position is counter to all principles of environmental justice.
5. NMED and EPA assured us at the July 2011 meeting they would look into a “mechanism” for a real study to locate a regional facility to handle the Homestake/Barrick tailings and the waste that needs to be removed from the Navajo Nation. We want a real effort in finding this location.
6. Off-site removal is the least that should be done for a community that has been given no opportunity for early or meaningful participation in the process. BVDA demands these basic considerations, which are the foundation of environmental justice.
7. Homestake/Barrick Gold can well afford the expense. It recently posted record profits and netted \$2.5 billion last year.
8. To ensure the safety of future generations, the site chosen for a regional facility must be suitable from a hydro-geological standpoint and materials and design must ensure the safety of groundwater and surrounding environment for hundreds of years.
9. Hiring preference for jobs from off-site removal should be given to affected communities.

Radon protection and remediation.

BVDA community members have been exposed to high radon levels for many years now. Our own health study shows high incidences of thyroid disease and cancer, particularly in residences closest to the tailings piles.

In recent correspondence between NRC and EPA, we learned of several issues that cause great concern in our community. Namely:

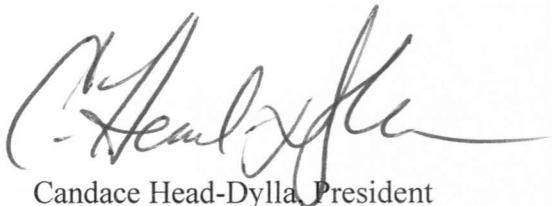
1. That Homestake/Barrick Gold “has elected to use 20 percent radon daughter equilibrium in their public dose calculations” and “an occupancy factor of 0.75 in its calculation of the dose to the nearest resident.” This clearly shows what this company has been allowed to get away with under the NRC’s lead.
2. The large tailings pile has a radon barrier that is not protective but Homestake/Barrick Gold gets away with it because it is a “working site.” Again, by pretending to remediate, without really doing it, standards remain relaxed for this multi-billion dollar corporation. A state-of-the-art final cover is planned “once groundwater remediation is complete and settlement of the tailings has curtailed.” The date for completion is pushed forward every five years. In the meantime, our community’s health is at risk.
3. NRC says EPA’s cancer risk range is “not the appropriate standard to be applied to the HMC site during remediation.” Again, because this remediation is taking so long, our community is suffering long-term exposure that flies in the face of common sense and what the regulations were designed to do. NRC’s approach considers what is best for Homestake/Barrick Gold. EPA’s standards are more protective of human health.
4. Now BVDA has been told Homestake/Barrick Gold will pay residents for remediation but we will be required to sign a waiver that Homestake/Barrick Gold is not responsible for the radon. This is the same type of blackmail that forced many of our older residents to sign away their right to hold the company accountable in return for clean drinking water. The water agreement was unconscionable. Residents should receive remediation with no strings attached and **we need it now!** While we wait, many of us live in homes that far exceed acceptable standards, adding to the dosing we have already received from this site.

Clean water to pre-mining and milling conditions.

1. BVDA has evidence of the quality of water in our community before the uranium mill tailings was dumped on the ground, without a liner, and in a floodplain.
2. The community wants its groundwater aquifers restored to pre-mining and milling quality. We want it now! We have waited for this long enough.
3. BVDA refuses to dispute background further.
4. The community had clean water and we want it back. If Homestake/Barrick Gold, whose site will someday have to be managed by the Department of Energy, is not responsible for all the contamination, the regulatory agencies need to make that determination and find and assign cleanup to the responsible parties.
5. Because the chemicals used in the Homestake/Barrick milling process were different than those used by upstream companies, it should be possible to determine if contaminants are from Homestake/Barrick or upstream operations. This will require a series of wells to the north of the site to assure a potential source is not missed. The wells in place now are entirely inadequate.
6. The regulatory agencies might also want to consider that the injection system currently in place may have pushed contaminants northward past the large tailings pile and might look like the source is upstream polluters when, in fact, it is Homestake/Barrick's failed remediation attempts. Careful, technical analysis is required and the community has experts who should be involved in this analysis.

Meet with regulators and legislators to identify roadblocks to full cleanup.

1. BVDA wishes to identify a Congressman willing to demonstrate leadership on this issue and convene a meeting early in 2012 between NMED, EPA Region 6, and NRC and our congressional delegation in order to identify any roadblocks to a full cleanup to pre-mining and milling aquifer conditions, to off-site removal of the tailings, and to complete remediation of ongoing radon exposure.
2. BVDA will organize the logistical aspects. We just need a legislator to extend invitations to fellow legislators and ask regulators with decision-making authority to attend.
3. The Multicultural Alliance for a Safe Environment has agreed to help host this meeting and it would be an opportunity for legislators to show their commitment to environmental justice in New Mexico.



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