



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

99 1/2 18th STREET - SUITE 600  
DENVER, COLORADO 80202-2488

JUN 2 1997

40-3453

Ref: 8EPR-EP

Honorable John McCain  
United States Senate  
Washington, D.C. 20510-0303

Dear Senator McCain:

Thank you for your April 25, 1997 letter expressing interest in the Atlas Corporation uranium mill tailings near Moab, Utah. Your specific concerns included the Environmental Protection Agency's (EPA) opportunity to assess any proposed remediation of the tailings pile and protection of the Colorado River under the Clean Water Act.

Under the National Environmental Policy Act (NEPA) and the Uranium Mill Tailings Radiation Control Act (UMTRCA), EPA provides consultation to the Nuclear Regulatory Commission (NRC). In that role, EPA submitted technical comments to NRC regarding the project's Draft Technical Evaluation Report and Draft Environmental Impact Statement (DEIS).

The NRC has published a Final Technical Evaluation Report (FTER). That report, among other things, determined that acceptable remediation includes stabilization of the waste tailings pile on site. The stabilization design does take into consideration stream bank stability and erosion control. Such designs cannot guarantee that structural failure from a flood event will not result in contamination and damage to natural resources. However, the UMTRCA regulations (40 CFR 192) do intend that reclamation efforts be effective for up to 1000 years.

We realize concerns remain with regard to the proposed remedy. Removal of the tailings pile was considered as an option under the DEIS. EPA's position at the time was that the removal option had several desirable features, which EPA pointed out in its comments (enclosed). The removal option also had potentially detrimental impacts to the environment which included concern over impacts from heavy equipment needed for removal and a significant concern as to how to address contaminated soils beneath the tailings pile, once removed. In NRC's final review, the removal option was not selected after considering the requirements found in regulations at 40 CFR 192, the risk posed to human health and the environment by the on-site stabilization option and the costs of all options considered.

The NRC's engineering cost evaluation of the various options did not take into consideration potential long-term costs for restoring natural resources that could be impacted, should the proposed on-site containment system fail. Nor was there an engineering cost

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evaluation of potential natural-resource impacts resulting from failure should the tailings be moved to a different location, under the removal option. While EPA encourages cost analyses that consider potential long-term natural-resource impacts, the NRC is not required to evaluate such costs.

EPA's and the National Park Service's (NPS) concerns regarding the project specifically included the potential effects of the project on the Scott Matheson Wetland Preserve on the south side of the Colorado River. EPA accepted Atlas Corporation's technical consultant's findings that there were no ground-water connections between the tailings pile contamination plume and the preserve (NRC's October 17, 1996 response to NPS and EPA, enclosed). As a result, EPA revised its rating of the DEIS from that of having Environmental Objections and Insufficient Information (EO-2) to that of having Environmental Concerns and Insufficient Information (EC-2) (also enclosed). Later, in January of 1997, the U.S. Geological Survey confirmed that there was no potential for the tailings pile to affect ground water discharged to the Matheson Preserve (letter enclosed).

The Utah Department of Environmental Quality (UDEQ) is concerned about the lack of a long-term ground-water corrective-action plan and has required one be submitted by Atlas Corporation. Since there is ground-water and surface-water interaction at this site, UDEQ is also concerned by the potential for water-quality standards not being met as a result of the localized ground-water contamination from the tailings plume. In its May 6, 1996 comments to NRC, EPA commented that a ground-water management plan should be included with the final EIS; and, at this time, this matter has not been satisfactorily addressed. Under its regulations, the NRC is not required to address ground-water remediation at the same time it considers stabilization and has requested the ground-water issue be deferred until after the stabilization decision is final.

The responsibility of assuring water-quality standards are met under the Clean Water Act is delegated to the State of Utah, with EPA assistance and oversight. Under Utah State water-quality regulations, NRC and Atlas Corporation must address water-quality requirements. As a result, UDEQ has issued an order requiring Atlas to develop and submit a ground-water corrective-action schedule. The schedule must be submitted 30 days after publication of the final EIS and must be reviewed and approved by UDEQ before construction of the cap for the tailings. For more information regarding the UDEQ order and schedule, please contact Loren Morton of UDEQ at (801) 536-4262.

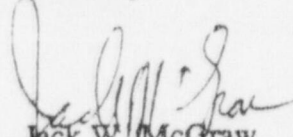
As of the writing of this letter, the U.S. Fish and Wildlife Service (USFWS) is in formal Section 7 consultation pursuant to the Endangered Species Act. During this process, they will evaluate whether or not discharge from the existing tailings pile and the proposed on-site remedy would impact any endangered species or biological resources, such as habitat. USFWS will produce a determination and recommend final actions based on this determination. If there is significant impact, the proposed project may require re-evaluation. The USFWS project contact is Janet Mizzi at (801) 524-5009 x128.



Unless new information is brought to our attention, EPA has no further regulatory role in the approval or disapproval of the EIS or the final recommended remedial option. However, we remain concerned about and await resolution of the long-term ground-water corrective-action and monitoring issue. The FTER and the final EIS are the responsibility of the NRC's Uranium Recovery Branch. NRC's contact is Joseph J. Holonich at (301) 415-6629.

If you or your staff have additional questions regarding EPA's role in this matter, please contact Carol Campbell at (303) 312- 6340, the member of my staff most knowledgeable about this project.

Sincerely,



Jack W. McGraw

Acting Regional Administrator

**Enclosures**

cc: w/ copy of inquiry letter  
Diane Nielsen, UDEQ  
Joseph J. Holonich , NRC  
Reed E. Harris, USFWS  
Richard Blubaugh, Atlas Corporation





JOHN McCAIN  
ARIZONA

CHAIRMAN, COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
COMMITTEE ON ARMED SERVICES  
COMMITTEE ON INDIAN AFFAIRS

## United States Senate

April 25, 1997

The Honorable Carol M. Browner  
Administrator  
Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Administrator Browner:

I am writing because I am very concerned about a uranium tailings pile near the Colorado River in Moab, Utah.

I understand that remediation proposals are under consideration by the Nuclear Regulatory Commission (NRC). However, I want to be sure that the Environmental Protection Agency (EPA) has an opportunity to assess any proposed remediation of the tailings pile. Thus, I ask that the EPA examine this situation to ensure that all steps are taken to ensure that the site does not pollute the Colorado River.

According to media reports, this tailings pile is located in the river's flood plain. I further understand that the spring flows are expected to be the highest in 15 years and that some environmental groups believe the site poses a threat to the Colorado River. I am also concerned about how to remediate the tailings pile in the long-term and want to be sure that any action comports with the Clean Water Act.

I understand that the NRC is poised to issue an EIS which does not require moving the uranium tailings pile but, instead, would cap the materials in place. I am extremely concerned that, given the proximity of these harmful materials to the Colorado River, a flood event could lead to its contamination.

Therefore, in accordance with all appropriate rules, regulations and ethical guidelines, I ask that the you look into this matter to ensure that the Colorado River is protected, as required under the Clean Water Act and other statutory authorities.

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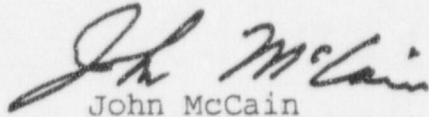
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4/29/97

The Colorado River is a vital natural resource. I am sure that you agree that we must do all we can to protect it from pollution.

Sincerely,

A handwritten signature in dark ink, appearing to read "John McCain". The signature is fluid and cursive, with the first name "John" and last name "McCain" clearly distinguishable.

John McCain  
United States Senator

JM/bsl