Comments on the White Mesa Mills included in the Dewey-Burdock public comments

Black Hills Clean Water Alliance

Context: One of the issues identified under the comment *the EPA omits important issues from its Draft Cumulative Effects Analysis.*

Despite the importance of these issues in the local region and the permanence of impacts resulting from any uranium mining, this is not just a local issue. Any uranium mined under these permits would be shipped to facilities in Illinois and/or Ontario for enrichment, and the byproducts would be shipped to the ***White Mesa*** *mill site in Utah.*

Clean Water Alliance

The EJ analysis mentions that the public in the ***White Mesa*** *mill area, where the company wants to take its 11e wastes, is 49% American Indian and Native Alaskan. After making this statement, the agency fails to do an EJ analysis of that site, simply saying that the Dewey-Burdock waste would be a small percentage of the waste at the site. This begs the question – What are the impacts of the mill on the nearly half of the population of the area that should be protected under EJ guidelines? There should at least be a reference to a complete analysis of this issue and, if one doesn't exist yet, it should be done as part of the Dewey-Burdock process and before further action is taken by the EPA.*

Energy Fuels Resources

They just mention they operate the **White Mesa** Mill and that it is the last operating uranium mill in the United States.

Oglala Sioux Tribe (Addendum to Letter)

VI. INADEQUATE ANALYSIS OF DISPOSAL OF SOLID 11E2 BYPRODUCT MATERIAL
The EPA and applicant documentation indicate an intent to use the ***White Mesa*** *Uranium Mill near the* ***White Mesa*** *Ute Community in Utah as the site for disposal of the radioactive wastes (known as 11e2 Byproduct material) generated by at the proposed Powertech Facility. The EPA analysis fails to acknowledge that the* ***White Mesa*** *Mill is not licensed to receive or dispose of all forms of Powertech's 11e2 Byproduct Material. EPA's draft permits do not, and cannot, authorize Powertech to dispose of 11e2 Byproduct Material at* ***White Mesa****. EPA appears to have failed to compare the impacts of transporting and disposing of the solid 11e2 Byproduct Material in Utah against any other alternative disposal site. Further, EPA's cumulative impact report fails to address the cumulative impact or alternatives to Utah licensing the* ***White Mesa*** *Mill as the disposal facility for the ISL wastes.*

A proper review by EPA must ensure that the impacts and alternatives of creation, storage, and disposal of mill tailings – aka 11e2 Byproduct Material - are fully analyzed and addressed. Permanent disposal of solid 11e2 Byproduct material is a central feature of the proposed mining operation and a competent review must include an analysis of the impacts or alternatives to shipment and disposal at ***White Mesa****. The NRC environmental documents confirm that* ***White Mesa*** *lacks a license approval from Utah to accept and dispose of the wastes created by the draft license or other NRC-licensed ISL facilities in the region. However, neither NRC's nor EPA's analysis includes a review of the impacts such disposition would entail, compares those impacts to other reasonable disposal alternatives, or assess whether*

*disposal at **White Mesa** facility can be accomplished in accordance with applicable State and federal requirements.*

The EPA's cursory discussion of the disposal of Powertech's 11e2 material contains no analysis of whether or not Utah law or the Mill owner's (Energy Fuels) license would allow the interstate transport and disposal of this waste given the history of leaks and violations at the White Mesa facility. Interstate transportation impacts across the Intermountain West are evident, but are dismissed without specific analysis. The EPA presents no information on the type of containers that would be required for the shipments to White Mesa and no corresponding information on the moisture content of the solid 11e2 Byproduct Materials or the anticipated decommissioning wastes.

EPA identifies no other site that is currently licensed to dispose of 11e2 Byproduct Material, implying that no other licensed facility exists in the United States that could accept the Powertech 11e2 Byproduct Material. Whether or not this is the case, White Mesa is not currently licensed to accept Powertech wastes.

The failure to address and license the disposal of solid 11e2 Byproduct Material is not a technical deficiency that can be ignored or pushed off until a later time. EPA has a duty to provide specific information, analysis, and alternatives regarding this major feature of an ISL operation in order to allow the Tribe, the Ute Mountain Ute Tribe, the public, and other government decisionmakers to conduct a meaningful analysis of the full scope of environmental impacts involved with Powertech's proposal.

Upon selecting the White Mesa Mill as the proposed destination for the waste from this proposal and the region, as the EPA documentation has done, EPA must follow through with the necessary analysis. The cumulative impacts report lacks analysis of disposal alternatives, including, but not limited to, access, geology, hydrogeology, quantitative impacts upon water supplies for domestic use, livestock, agriculture, non-domesticated plants and animals, and qualitative on-going and subsequent impacts to water supplies due to releases of chemicals into the surface, groundwater and aquifers flowing through the disposal site. Without such an analysis, EPA, the public, other governmental entities, and the Tribe have no basis to identify and assess alternatives to the license application and find ways to avoid or mitigate possible adverse environmental impacts of the proposed mine.

[these comments are followed by the statement *EPA must provide extra scrutiny to the packaging and transport of these wastes* and includes a list of violations by Smith Ranch related to the shipment of 11e2 Byproduct Material]

Powertech/Azarga

Comments on the Draft Cumulative Effects Analysis

The statement is made that "Powertech will be required to have an agreement in place with White Mesa Mill for the disposal of solid by-product waste." Although White Mesa Mill has been identified as the preferred location for disposal of solid byproduct material, the NRC license does not require an agreement with any particular 11e.(2) byproduct material disposal facility. The requirements in NRC License Conditions 12.6 and 9.9, as stated on page 150 of this document, require Powertech to submit to the NRC a disposal agreement with a licensed disposal site before beginning operations and to maintain an agreement throughout operations. Powertech requests revising this sentence as follows:

Before the NRC will authorize commencement of ISR operations, Powertech will be required to have an agreement in place with a facility that is licensed by the NRC or an NRC Agreement State to receive byproduct material, such as the White Mesa Mill ~~for the disposal of solid by-product waste~~.

Comments from a private citizen submitted a *Rapid City Journal* article as part of her comments:

White Mesa Mill was mentioned in a *Rapid City Journal* article entitled *Uranium Miner Agrees to Fix Sludge Leaks*: *Workers washed the white, paste-like material that spilled onto U.S.191 off the pavement and removed 5 yards to 6 yards of potentially contaminated soil, according to a report by Colorado-based Energy Fuels Resources, owner of the White Mesa Mill.*

Another private citizen stated in his comments:

The radioactive remains like thorium, radium and presumably non-radioactive elements like lead, arsenic and selenium, products of the RO process that weren't disposed of by spraying on the land or placed in a deep disposal well are sent to White Mesa even though they are trying to detoxify that site as well.