State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
and the
ENVIRONMENT DEPARTMENT

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

BUTCH TONGATE
Secretary, NMED

KEN MCQUEEN
Secretary, EMNRD

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 26, 2017

Alexis Strauss
EPA Region 9, Acting Regional Administrator
75 Hawthorne Street
San Francisco, CA 94105

RE: Quivira Mine Waste

Dear Ms. Strauss:

It has recently come to our attention that EPA Region 9 has continued with development of an Engineering Evaluation/Cost Analysis (EE/CA) concerning the disposition of uranium mine waste associated with the Quivira Mine, including an alternative contemplating transfer of mine waste off Navajo Nation land with subsequent disposal on land within the State of New Mexico. As we understand it, this scenario involves transporting more than 800,000 cubic yards – an estimated 58,000 truckloads – of uranium mine waste through our communities over a distance of approximately 70 miles on public roads within the State of New Mexico, with ultimate disposition of the uranium waste in a repository located within and upstream of New Mexico communities that already deal with legacy impacts related to uranium mining and milling that occurred closer to their locale.

The consideration of this alternative is occurring despite clear statements from the New Mexico Environment Department (NMED), supported by the Energy Minerals and Natural Resources Department (EMNRD), to the EPA Region 6 and 9 Administrators, as well as representatives of the Navajo Nation, that this was an unacceptable alternative to the State of New Mexico and our respective agencies. We have made it clear that we oppose this alternative and that to the extent the alternative is even considered, staff of EPA Regions 6 and 9 and Navajo Nation representatives must first initiate discussions with NMED and EMNRD senior management.

It is unacceptable that despite New Mexico's well-known opposition to this alternative, EPA Region 9 has decided to ignore the State of New Mexico's input and consider, and even promote, that alternative as viable. This approach contravenes bedrock principles of cooperative federalism.

We take this opportunity to once again communicate our strong opposition to the alternative in question and to your seemingly deliberate attempt to disregard the State of New Mexico and its very serious concerns.

We look forward to hearing from you soon regarding this matter.

Sincerely,

Butch Tongate, Secretary
New Mexico Environment Department
Department

Ken McQueen, Secretary
Energy, Minerals, and Natural Resources

Cc: Enrique Manzanilla
U.S. EPA Region 9
Superfund Division
75 Hawthorne Street
San Francisco, CA, 94105

Carl Edlund
U.S. EPA Region 6
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