Document #269 David Individual

From: David [uffdada@pacbell.net]
Sent: Monday, February 14, 2005 8:43 PM
To: moabcomments
Subject: question

Reference the toxic waste dump near Moab Utah. Why not allow the toxic pile to filter into the river at a higher rate so then, with luck, we can kill off some more southern Californians and help the traffic problems here in southern california?
All the comments by the local politians seem to indicate that that would be the ideal solution to the problem.

Document #306 McNeely, Jerry Grand County Council

Received Feb-15-05 02:55pm From-2025865211 To-US DEPARTMENT OF ENE Page 02

Grand County Utah

GRAND COUNTY COUNCIL MEMBERS
Jerry McNeely(Chair) · Rex Tanner (Vice Chair)
Audrey Graham · Judy Carmichael · Jim Lewis
Nate Knight · Joette Langianese

February 11, 2005

The Honorable Samuel Bodman
U.S. Secretary of Energy
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Bodman:

On behalf of the citizens of Grand County, Utah, and the Grand County Council, congratulations on your recent appointment as Secretary of Energy.

As elected officials for the citizens of Grand County, we are writing to ask the Department of Energy to move the contaminated uranium tailings pile from the flood plain of the Colorado River near Moab, Utah, to a safer location within our county boundaries.

We have been working closely with the community, interested stakeholders and scientists to determine the best alternative for remediating this contaminated waste pile. After years of research, discussion and lobbying efforts, the final DEIS has been completed. While we appreciate all the efforts of the DOE Grand Junction in developing the DEIS, we must emphasize that we have serious concerns about *any* alternative that would leave the tailings pile in its present location. There are 26 million people who use water from the Colorado River for drinking and agriculture. In fact, it is this same water that irrigates the crops that feed our entire nation. If the worst should happen and the pile is compromised by a natural catastrophic flood or terrorist act on reservoirs upstream from the site, the damage to the American West and American agriculture could be immeasurable and irreversible. Details of our concerns are outlined in our formal response to the DEIS, which is attached. Based on all the uncertainties identified by the DOE in its document, it is the position of Grand County that *the only acceptable alternative is to move the tailings pile.*

The Moab Site is the only radioactive tailings pile to remain on a waterway. All other similar sites have been relocated because they were deemed too dangerous to remain in place. It is clear that removing the pile to a safer location is the right thing to do. In fact, the Floyd D. Spence Act, passed by Congress in 1999, called for the removal of the site from the floodplain of the Colorado River.

Thank you for your time and consideration on this important issue. We have confidence that you will make the right decision for the people of the American West.

Sincerely,

Jerry McNeely, Chairman
Grand County Council

125 E. Center Street, Moab, UT 84532 · (435) 259-1346 · (435) 259-2574 Fax · council@grand.state.ut.us

02/15/2005 16:03 FAX 2025865211 DOE EM-03 002

Received Feb-15-05 02:55pm From-2025865211 To-US DEPARTMENT OF ENE Page 10
435 259 0600 CITY OF MOAB 04:10:10 p.m. 02-11-2

RESOLUTION # 06-2005

A RESOLUTION OF THE CITY OF MOAB SUPPORTING THE REMOVAL OF THE ATLAS URANIUM TAILINGS PILE FROM THE BANKS OF THE COLORADO RIVER

WHEREAS, the Atlas Uranium Tailings Pile, consisting of 8.9 million cubic yards of radioactive waste is located on the flood plain of the Colorado River; and

WHEREAS, the south bank of the Colorado River has since 1924 moved north, west and northwest away from Moab and towards the Atlas Tailings Pile; and

WHEREAS, the Utah State Geological Service data shows that the Colorado River is likely to continue to migrate north toward the Atlas Tailings Pile; and

WHEREAS, a Probable Maximum Flood (PMF) of 300,000 cfs could wash 20% to 80% of the Tailings Pile into the Colorado River; and

WHEREAS, the 21,100 sq miles of up-stream Colorado River drainage coupled with the possible failure of upstream dams creates a possible scenario for the Probable Maximum Flood that could contaminate the Colorado River affecting drinking water for 26 million residents as well as the irrigation water for some of America's most valuable lands and crops; and

WHEREAS, the catastrophic opportunity for such a flood can not be dismissed from consideration for the 1000+ years of Department of Energy's legal responsibility for the Atlas Tailings Pile; and

WHEREAS, Federal Code 10 CFR 1002.4 in compliance with the Floodplain Environmental Review Requirements for "the storage of volatile, toxic or reactive materials" in an area that has "even a slight chance of flooding" is *prohibited*; and

WHEREAS, the Floyd Spence Act, 42 USC 7912 (f) (3) requires remediation of the Atlas Tailings Pile pursuant to section 3405 (i) of the Strom Thurmond National Defense Act for the fiscal Year 1999 (10 U.S.C. 7420; Public Law 105-261) to include: (B) "the removal, to a site in the State of Utah, for permanent disposition and necessary stabilization of residual radioactive material and other contaminated material from the Moab site and floodplain of the Colorado River."; and

WHEREAS, tailing piles that were mediated in place at Green River and Monticello after multiple failures caused by a lack of an effective liner and a porous basement structure were eventually moved from Colorado Drainage for reasons of safety; and

WHEREAS, there have been 8 UMTRCA sites located in the Colorado River Drainage and all 8 have been removed to protect people and their environment; and

Resolution #06-2005 Page 1 of 2

02/15/2005 16:05 FAX 2025865211 DOE EM-03 010

Received Feb-15-05 02:55pm From-2025865211 To-US DEPARTMENT OF ENE Page 11
CITY OF MOAB 04:10:39 p.m. 02-11-2005 2 /2

WHEREAS, a resolution was passed by the 1999 Utah State Legislature and signed by the Governor supporting the transfer of management of the Atlas Tailing Pile from the Nuclear Regulatory Commission who wanted to cap the tailings in place to the DOE in order to facilitate removal of the tailings to an environmentally safe location.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY OF MOAB, strongly supports moving the Atlas Tailing Pile from the unstable banks of the Colorado River to a safer more appropriate location so as to protect Moab City residents and environs, and the 26 million downstream consumers of the Colorado River Water; and,

BE IT FURTHER RESOVED THAT THE CITY OF MOAB is adamantly opposed to the Atlas Tailings Pile being moved south by pipeline or truck. The White Mesa Mill site is the most expensive alternative site to the Moab site; White Mesa has the most problems with potentially polluting ground and surface water; and, there are numerous cultural sites that would be destroyed. Moab strongly objects to the transport of the 11.9 million tons of radioactive waste through the community.

DATED this 8th day of February, 2005.

ATTEST:

By: Rachel Ellison
Rachel Ellison, City Recorder

CITY OF MOAB, UTAH

By: David L. Sakrison
David L. Sakrison, Mayor

Resolution #06-2005 Page 2 of 2

02/15/2005 16:06 FAX 2025865211 DOE EM-03 011

Received Feb-15-05 02:55pm From-2025865211 To-US DEPARTMENT OF ENE Page 12

RESOLUTION NO. 2005-2691

A RESOLUTION OF THE GRAND COUNTY COUNCIL SUPPORTING THE REMOVAL OF THE ATLAS TAILINGS PILE FROM THE BANKS OF THE COLORADO RIVER

WHEREAS, The Grand County Council is responsible for the Health, Safety and Welfare of the Citizens of Grand County;

WHEREAS, the Atlas Uranium Tailings, consisting of approximately 11 million tons of radio active waste or approximately 7.5 million cubic yards of contaminated material, has been situated on the Colorado River since 1956;

WHEREAS, Grand County stepped up to the plate and produced uranium for the U.S. during the Cold War in our Nation's effort to maintain its nuclear weapons stockpile;

WHEREAS, Grand County is dedicated to protecting the water users of the West by requesting that the Department of Energy move the tailings to a secured location within Grand County;

WHEREAS, in the 1999 General Session of the Utah State Legislators a Resolution was passed and signed by the Legislatures and Governor in support of transferring management of the Atlas Tailings from the Nuclear Regulation Commission to the Department of Energy in order to facilitate removal of the tailings to an environmentally preferred location;

WHEREAS, the Floyd D. Spence Act of 1999 (B) stated…"the removal, to a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab site and the floodplain of the Colorado River;

WHEREAS, the interpretation of Federal Codes (10CFR 1002.4) in compliance with the Flood Plain/Wetlands Environmental Review Requirements stated…"storage of highly volatile, toxic or reactive materials" in an area that has "*even a slight chance of flooding*" *is prohibited*;

WHEREAS, stability of the Colorado River is not a guarantee and thus there is a possible risk of the tailings entering the Colorado River;

WHEREAS, there have been 22 UMTRCA sites identified with the Moab site being the 23rd. Eight of these sites have been located on the Colorado River or its tributaries and have been removed as a protection of the local environment. Clean-up was considered necessary because there are more than 20 million Americans drinking water from the Colorado River;

02/15/2005 16:06 FAX 2025865211 DOE EM-03 012

Received Feb-15-05 02:55pm From-2025865211 To-US DEPARTMENT OF ENE Page 13

WHEREAS, nearly all of the Colorado River water is appropriated for some kind of human use whether it be drinking, agriculture or recreation;

NOW, THEREFORE, BE IT RESOLVED THAT THE GRAND COUNTY COUNCIL, STATE OF UTAH, in it's duty to protect the citizens of Grand County will do all that it can to lobby the elected officials of the State of Utah, State of Nevada, State of Arizona and the State of California, as well as their citizens, to write letters or contact their representatives to encourage the Department of Energy to make the right decision and remove the Atlas Uranium tailings from the banks of the Colorado River.

PASSED AND APPROVED THIS 1st DAY OF FEBRUARY, 2005 BY THE FOLLOWING VOTE:

Those Voting Aye: Carmichael, Tanner, Langianese, McNeely, Lewis
Those Voting Nay: None
Those Absent: Knight, Graham

ATTEST

Fran Townsend, Clerk/Auditor

GRAND COUNTY COUNCIL

Jerry McNeely, Chairman

02/15/2005 16:06 FAX 2025865211 DOE EM-03 013

Document #307 Darke, John Individual

John Darke
10:40 am
February 9, 2005

I really would like to have a better picture of the process of supplementing the hearing pile the Moab site Moab at the Grand County Highway. A while back some boxes appeared, they were left in the vicinity I was standing by at the time uncertainty. Subsequently a binder, 3-ring binder, appeared. On a spine it was labeled Moab Cooperating Agencies Communication. The index has apparently not been updated. I think it might be helpful. That reading room is receiving a lot of attention from members of the public interest person that there be, and I'm sure you could work it out with the County, the capability at the Reading Room to (a) refile the records that have been utilized, (b) where records have been misfiled, that the [inaudible] be coordinated for some files and (c) that a Contractor person be present such that they can help the patrons who chose to avail themselves of the reading room can be assisted. We had the basic deep waste and we had a reading room with a contractor. I think it would be a good idea to try it again.

This is John Darke.

11:10 am
February 9, 2005

I'm making an on the record comment. 69 Fed Reg 65426 of November 12, 2004, and 67 Fed Reg 70256 December 3, 2004. RE: Pertinent Federal Register Notices.

I would like to respectfully draw the attention of the decision-makers where they consider the draft Environmental Impacts Statement regarding radiation Uranium Mill Tailings, Grand and San Juan Counties, Utah, dated November 30, 2004. I would like to comment that specifically, the November 30 DEIS avoids, wherever possible, making quote "explicit reference by footnote to the scientific and other sources relied upon for conclusions" in the Environmental Statement. 40 CFR 1502.24, entitled Methodology and Scientific Accuracy, states "Agencies shall ensure that the professional integrity, including scientific integrity, of the discussions and analysis in Environmental Impact Statements, they shall identify and shall make explicit reference by footnote to scientific and other sources relied upon for conclusions in the statement……

11:10 am

continuation from……, this is John Darke….D..A..R..K..E. I was citing 40 CFR 1502.24 entitled Methodology and Scientific Accuracy. And that criteria states "Agencies shall ensures—error, ensure—that the professional integrity, including scientific integrity, of the discussions and analysis in Environmental Impact Statements. They shall identify and shall make explicit reference by footnote to scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an Appendix." I have exercised due diligence in reviewing as many DEIS mentioned official records as possible and

other records. Given the suspense, February 18, 2005, applicable to the present public review process. I have on many occasions found that statements made in the November DEIS were not properly substantiated by explicit reference emphasis at 40 CFR 1502.214 as cited above often the threat of DOE staff or Contractor claimed substantiation has led to dead ends. It is too easy to get lost on the way to determining the veracity or competence of the subject. DEIS transparency is required where credibility is sought. In addition Title I of the Uranium Mill Tailings Radiation Control Act at 42 US 7901 et seq. points out that it is the Secretary's responsibility that records be made publicly available conveniently.

Document #344 Huntsman, Jr. Jon M. Governor, State of Utah

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

JON M. HUNTSMAN, JR.
GOVERNOR

GARY R. HERBERT
LIEUTENANT GOVERNOR

RECEIVED DOE
FEB 16 2005
GRAND JCT. OFFICE

#344, p1.

February 15, 2005

Mr. Don Metzler
Moab Federal Project Office
U.S. Department of Energy
2597 B ¾ Road
Grand Junction, Colorado 81503

Dear Mr. Metzler,

RE: Moab Uranium Mill Tailings, Draft Environmental Impact Statement, DOE/EIS-0355D, State of Utah Comments

Thank you for the opportunity to provide comments on a significant project for the State of Utah, remediation of the Moab Uranium Millsite and Tailings Pile. I urge the U.S. Department of Energy (DOE) to remove the Moab Mill Tailings Pile from the banks of the Colorado River, transport the tailings to a repository to be constructed at Klondike Flats, clean up the remainder of the Millsite, and treat groundwater contamination at the site for the period necessary to ensure that contamination does not migrate offsite through groundwater or into the Colorado River in violation of Utah surface and groundwater quality standards. This work should be commenced immediately, and federal funding should be sought to complete the work as promptly as possible. Now is the time to act – to move the Tailings Pile.

The State of Utah appreciates DOE's work in preparation of the Draft Environmental Impact Statement (DEIS), as well as the ongoing work to minimize contamination from moving off the Millsite. However, it is clear that the Tailings Pile cannot be left in the floodplain of the Colorado River. Recent studies by the U.S. Geological Survey and the University of Utah, as well as the reviews by the Utah Department of Environmental Quality, document that the river has migrated historically within the floodplain and over geologic time and that the force of the river at both a maximum flood event and even a 100-year event will generate forces sufficient to erode the adjacent banks of the river and undercut the tailings pile. The National Academy of Sciences Committee also recognized the critical importance of that risk when it reviewed remediation plans for the site. Recent flooding in the St. George and Santa Clara regions

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of Utah also demonstrated the swift and immense force of moving water in the desert. We cannot afford to assume the risks associated with having uranium tailings strewn along river banks and bars of the Colorado River below Moab. Good science and good sense tell us the tailings must be moved.

Furthermore, moving the uranium tailings to a constructed repository at Klondike Flats creates the smallest impact and the most reasonable expenditure of funds to solve the problem. The repository site at Klondike Flats has broad support from federal, state, and local agencies, and from local residents. Transportation along the existing rail line reduces transportation impacts. Removing the tailings from the banks of the Colorado River would eliminate the risk of river undercutting, remove the source of groundwater contamination, and reduce the time needed for treatment of contamination at the river's edge.

Additional, detailed comments on the DEIS will be submitted by the Utah Department of Environmental Quality on behalf of the State. We look forward to working with you to initiate the removal of the last of the uranium mill tailings piles on the banks of the Colorado River. Thank you for your consideration of this essential work.

Sincerely,

Jon M. Huntsman, Jr.
Governor

Document #345 Hackley, Pam Individual

#345, p1

To: **Honorable Secretary and Assistant Secretary of Energy, U.S. Depart. of Interior**
Moab DEIS Comments
U.S. Department of Energy Grand Junction
2597 B3/4 Road
Grand Junction, CO 81503

Re: **Remediation of the Moab Uranium Mill Tailings, Grand and San Juan Counties, Utah, Draft Environmental Impact Statement**

From: Pam Hackley
HC 64 Box 3208
Castle Valley, UT 84532
phackley@frontiernet.net

Thank you for the opportunity to comment. These written comments are in addition to those given at the public hearing held in Moab, January 26, 2005.

Move the tailings out of the Colorado River floodplain; move them north to a site within Grand County. Find the best and most stable offsite location for burial and containment. It is time to move forward with resolving the tailings pile issue.

Reasons Not to Cap the Tailings in Place (On site Disposal)
Capping in place is unwise because of the uncertainty of river changes over the short and long-term. The continued location in the floodplain will always be a potential environmental and human health threat. There is no risk assessment that can make capping in place acceptable. In a landscape that is new and as active as the Colorado Plateau, trying to predict long term geomorphic, climatic and other changes is arguably beyond any science or technology that we can bring to bear on this subject. In addition, I have concerns that any study can reliably predict and guarantee that capping in place will be an effective solution for 200-1000 years and beyond. DOE should include a discussion of Dr. John Dohrenwend's paper "Preliminary Review of the DOEs Assessment of Potential Flood Hazards at the Moab Project Site (Atlas Tailings Pile), no date."

If capped in place, there is still potential for a future catastrophic failure of an engineered impoundment. DOE states that more studies would have to be completed to fully engineer capping and containment of the tailings. **DOE states that if capped in place, the tailings may still have to be moved at great cost at some time in the future.** It is arbitrary and capricious to buy a perpetual risk and doubled remediation costs. It is prudent and DOE's mandate to spend this time and money to move the tailings to a more safe place and clean-up the existing site and vicinity areas.

DOE does not carefully and fully address the indirect impacts of potential failures of the capping-in-place alternative. Users include local residents who use the river for summer swimming year in and year out, river guides who make a living from the river, recreation visitors to Moab area, Canyonlands NP, Powell NRA, Page, Grand Canyon NP and all the downstream water users including citizens of Mexico.

Groundwater studies have not conclusively determined that capping in place would prevent future contamination of Moab/Spanish valley groundwater or prevent downstream pollutant migration in the Colorado. Dr. Kip Solomon's study points to the fact that tailings contaminated

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waters are already migrating under the river and impacting Matheson Wetlands. This raises the next question of potential to pollute the Spanish Valley aquifer which is not addressed by DOE.

Faced with these studies that do not concur with DOEs analysis, DOE should abandon its evaluation of hydrologic dynamics ~~to further~~ rather than find support for the capping in place alternative.

The extremely adverse health and environmental effects of radiation and radon exposure and effects of other contaminants in the tailings are known. If DOE includes the cap in place alternative in the final EIS, then DOE needs to describe the intensity of impacts more clearly, both at the site as well as downstream in the event of tailings failure into the Colorado. Capping in place would continue to expose residents of Moab and surrounding communities as well as visitors to the area. DOE states that radon would continue to emanate from a capped facility.

The short-term exposure risks to workers and public during tailings removal are acceptable to ensure that off-site stabilization in the long term would essentially remove health risks. DOE must pursue state-of-the-art technology for tailings removal that is as fully protective to workers, residents, and visitors.

DOE does not clearly address the current stability of the pile. DOE admits that full characterization of the pile is incomplete in terms of layers, material sizes, water content, presence/absence of other contaminants/pollutants/hazardous materials.How likely is a failure due to saturation of the pile or river undercutting, or other phenomenon before or during remediation?

DOE's analyses under all resource topics, except possibly worker exposure to radon during remediation, indicates that the on site alternative would result in on-going adverse and significant impacts. Other studies and reports, including those by National Academy of Sciences and those funded through the Citizens Technology Assistance Program substantiate the uncertainties of leaving the pile in place.

> "DOE intends to consider the results of the analyses provided in this draft EIS, the relative costs among the alternatives, and **other factors, such as public and agency comments on this draft EIS (including the views of cooperating agencies), in determining its preferred alternative** for the disposal cell location and remediation of vicinity properties... Several cooperating agencies have expressed preferences for off-site disposal. In some instances, the areas of controversy reflect an opinion on which of the alternative actions DOE should select as its preferred alternative. **The State of Utah has stated that the tailings should be moved to an off-site location due to uncertainties in predicting river migration and the ability of on-site disposal to meet protective aquatic standards. The City of Moab and Grand County have stated that the tailings pile should be moved to Klondike Flats** for aesthetic and other reasons. **The Ute community expressed a strong preference that the tailings pile should not be moved to White Mesa Mill due to the high potential for adverse impacts to cultural resources, traditional cultural properties, and other impacts. As downstream users, the Town of Bluff also objects to disposal at White Mesa Mill**." (page S-11)

Further, DOE states "For example, the uncertainties surrounding the speed and direction of river migration are relevant to the on-site or No Action alternatives but are of no consequence to the off-site disposal alternative because the pile would have been removed." (page 2-164)

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#345, p3

Further, Grand County Council, Moab City Council and the Town of Castle Valley have all passed Resolutions in February 2005 calling for the removal of the tailings from the Colorado River floodplain to a safe location within Grand County.

Further the Floyd D. Spence National Defense Authorization for Fiscal Year 2001 Act states "Subject to availability of appropriation for this purpose, **the Secretary shall conduct remediation at the Moab Site in a safe and environmentally sound manner** that takes into consideration the remedial action plan prepared pursuant to section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal year 1999 (10 USC 7420 note; Public Law 105-261), **including (A) groundwater restoration; and (B) the removal, to a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated materials from the floodplain of the Colorado River."**

Further, the cap-in-place alternative does not meet the meaning or intent of NEPA (40 CFR Parts 1502.1) for "reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."

Finally, DOE makes a strong and overwhelming case for off-site disposal at Klondike Flats or Crescent Junction. DOE states "**Under the on-site disposal alternative, the tailings pile would be a continuing source of contamination** that would maintain contaminant concentrations at levels above background concentrations in the ground water and, therefore, potentially require the application of supplemental standards (institutional controls) in perpetuity to protect human health. Under the off-site disposal alternatives, contaminant concentrations in the ground water under the Moab site would return to background levels after 150 years, by which time active ground water remediation would have been complete and supplemental standards would no longer be needed. **The tailings pile would not be a continuing source of contamination to ground water under the off-site disposal alternative**." (page 2-118)

DOE must follow its own findings, agree with the majority of stakeholders, follow direction in Floyd Spence Act, as quoted above, as well as recommendations from the Executive Office during the NRC period. **The cap in place alternative should be eliminated from consideration as an alternative.**

Tailings Removal Alternatives
DOE must move the tailings to a more safe containment area. Safely transporting materials to protect worker and public health and prevent accidents and environmental degradation becomes paramount.

White Mesa
Relocation to White Mesa site under truck or pipeline modes is not viable, economical, reasonable, or environmentally sound. This alternative does not meet the NEPA test for reasonable alternative (40CFR1502.1). Most of all, it threatens more people's health during the transportation and remediation phases. It is unacceptable to consider moving the tailings so near to the White Mesa Ute reservation, above the Tribe's protestations, and so near to residents of Blanding and Bluff.

DOE states Environmental Justice: "Disproportionately high and adverse impacts to minority and low-income populations would occur under this alternative as a result of unavoidable adverse impacts on potential traditional cultural properties located on and near the White Mesa Mill site, the proposed White Mesa Mill pipeline route, White Mesa Mill." (page 2-162)

This alternative is untenable for other reasons, especially in light of more favorable aspects of moving the tailings north of Moab. These are mentioned in Table 2-132.

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#345, p4

Slurry option flaws
-building a leak-proof pipeline over incredibly rugged terrain
-potential for new water and wind erosion in a very fragile environment
-visual eyesore during construction and even after reclamation
-water consumption and adverse impacts on Colorado river users and minimum in-stream flows
-contaminated water disposal issues

Truck option flaws
-Traffic impacts through Moab, Monticello Blanding and on Highway 191 – the route can barely handle the mix of truck and tourist traffic as it is. The scenario shown for a nearly continuous stream of tandem trucks is not realistic or feasible.

DOE does not present IUC's business proposal for the White Mesa alternative for public review. Please make this available to the public. Please clarify that this alternative is not a speculative business option and subsidy for IUC. What guarantees, assurities, and bonds would DOE demand of IUC to protect the human and natural environment from operation activities or in the case of abandonment and bankruptcy.

DOE must follow its own findings, agree with the majority of stakeholders, including the Ute Mountain Ute Tribe. **The White Mesa alternative should be eliminated from consideration as an alternative.**

Crescent Junction and Klondike Flats

DOE must move the tailings north to either Klondike Flats or Crescent Junction alternative locations. In my statement at the Moab public hearing Jan 26, I suggested that the Klondike Flats site seems to be preferable. Since that time, I have looked more closely at the options as DOE has presented them and spoken with others more knowledgeable about the locations. It appears that the Crescent Junction site, although further from the pile, may have more advantages than the Klondike Flats site including more suitable burial area (deeper shales) for containment, more favorable quality and quantity of topsoil/cover material for revegetation, the geo-hydrologic structure and pathways would be more "stable and remote" over the very long term, the area is less likely to be used/disturbed and thus people would be less likely to be exposed (because it is not near higher use areas such as the County landfill, the airport, hikers and bikers.) The railline runs closer to the Crescent Junction site. Since it is closer to Green River, that town would likely benefit economically while impacts due to traffic on HWY 191 and into Moab and possibly housing pressures in Moab would be much less.

The biggest and certainly serious drawback is that the Crescent Junction site would obviously be closer to residents of that village and Thompson Springs. The difference in costs between the two sites seems insignificant.

More studies will be needed to assure the stability and containment potential as well as safety of either site.

Unfortunately the tailings are not benign and must be dealt with. DOE will have to accept some level of unacceptable impacts and irretrievable commitment of resources to move the tailings and get the clean-up job done as quickly as possible.

Water Rights

The quantities of water needed to achieve remediation under all the alternatives is staggering. For truck/rail or slurry options, uses will exceed DOE's current right. The upper Colorado River basin is still under adjudication. How will this factor into DOE decisions. The final EIS needs to address this issue more thoroughly, including how DOE will get more water, how up and downstream users will be

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#345, p5

affected, how withdrawals will affect groundwater when the River is reduced to minimal flows for extended periods, possibly continuously, for years.

Associated Areas of Contamination
Is DOE confident that the extent of all "off site" contamination has been fully identified. Please clarify why not all of 130 sites would be targeted for remediation. Has the search to find associated contamination included Castle Valley, Castleton, establishments and residents upstream of or around Moab, Cisco, La Sal etc.? How will the agency deal with buildings that may have contaminated tailings incorporated into foundations or slabs?

Adequacy of the Analysis
DOE does not adequately explain or justify the conclusions concerning uncertainties: "With the exception of ground water modeling, **should DOE's characterization, assessment, or assumptions prove incorrect, the resultant changes in impacts would not be of a significance that would affect the principal reclamation decision of whether to relocate the tailings from their current location.**" This statement points out that the level of intensity of impacts under most resource topics has been skimmed over or avoided. The result is that it is hard to weigh the differences among alternatives. Each topic should clearly identify the yardsticks used to measure impacts and at what levels the impact may be minor, moderate, major and significance.

Decisions to be Made and Actions to be Taken
Under the weight of DOE's own analysis and the overwhelming public and local and state governments response in favor of removal of the tailings north of Moab, DOE must select either the Klondike Flats or Crescent Junction alternative for off site disposal. Assuming that DOE does select one of these two off-site alternatives, I would ask that DOE continue or re-establish a broad and inclusive stakeholder group that can be partners with DOE in determining the final remediation plans that will be most protective of the environment and human health. It may even be appropriate to do this now and have a collaborative effort to complete the Final EIS and ROD.

Thank you for accepting these revised and additional comments.

Pam Hackley

Pam Hackley

Feb 12, 2005

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