

Uranium Watch

P.O. Box 344
Moab, Utah 84532
435-260-8384

August 11, 2017

via electronic mail

Scott Anderson
Director
Division of Waste Management and Radiation Control
Utah Department of Environmental Quality
P.O. Box 144880
Salt Lake City, Utah 84114-4880
dwmrcpublic@utah.gov

Re: Supplement to Comments on Energy Fuels Resources (USA) Inc., White Mesa Mill,
License Renewal, Materials License No. UT 1900479

Dear Mr. Anderson:

The letter is a supplement to Uranium Watch, Living Rivers, and Utah Chapter of the Sierra Club comments on the Renewal of the White Mesa Uranium Mill License, Materials License No. UT1900479. I received the attached letter from Jeff Trembly, RG, Special Projects Coordinator, Adjudications Program Director, Arizona Department of Water Resources (ADWR), on August 2, 2017, after the close of the comment period. This information should be included in comments on the Mill's License Renewal.

The enclosed letter is from Kenneth Slowinski, Chief Counsel, ADWR, to Lee Decker, Gallagher & Kennedy, who, apparently, represents Energy Fuels Resources (USA) Inc. (Energy Fuels) in the matter of the Transportation of Water from Arizona to Utah by Energy Fuels, Inc. The ADWR found that Energy Fuels did not comply with Arizona statute (A.R.S. § 45-292) when it transported water from the Canyon Uranium Mine, Coconino County, Arizona, to the White Mesa Mill for use without prior approval of the ADWR Director. According to Arizona statute, water may not be transported out of state unless 1) the water is put to reasonable and beneficial use in another state and 2) the Director grants prior approval.

Although no fine was imposed, if Energy Fuels intends to transport water from Arizona to Utah in the future, they must comply with all ADWR application and approval requirements.

Mr. Decker argued that the mine water was not transported to the Mill “for reasonable and beneficial use,” but “for proper management and ultimate disposal in another state” and that the material was “waste” that included water. The ADWR determined that the water had been put to use and that, in fact, Arizona law requires exported water be put to reasonable and beneficial use.

Further, on the Utah side, it does not appear that Energy Fuels can transport mine water for “disposal” at the Mill without requesting authorization from the Division of Waste Management and Radiation Control to do so. It is unclear under what regulatory authority the direct disposal of mine water as “waste” could be approved, but there is currently no statute, regulation, or White Mesa Mill license condition that authorizes the receipt and direct disposal of mine water—as waste—at the White Mesa Mill.

It is clear that what happened to the water from the Canyon Mine at the Mill is an important legal and regulatory issue for both the ADWR and the DWMRC. If, in the future, Energy Fuels plans to again transport water from the Canyon Mine to the White Mesa Mill, the DWMRC should make sure that Energy Fuels complies with all ADWR requirements and Energy Fuels should notify the DWMRC of the intent to use the mine water and verify that the transport of water from Arizona has been authorized by the ADWR Director.

Regulatory compliance is a significant environmental and health and safety issue. Energy Fuels compliance with all local, state, and federal regulations related to the operation of the Mill is factor that should be addressed in the License Renewal process and in the Environmental Analysis required under the Atomic Energy Act.¹

The Environmental Analysis for the License Renewal should include an accounting of all materials that are received at the White Mesa Mill for processing or direct disposal, including mine water. These materials would include yellowcake from the Honeywell Inc., Metropolis, Illinois, uranium conversion facility and any other materials that arrive at the Mill for direct disposal or processing.

Sincerely,

Sarah Fields
Program Director

Enclosure: As stated

¹ 42 U.S.C. § 2021(o)(3)(C).