

## Appearances

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The Draft Environmental Impact Statement (DEIS) Public Hearing held at the City Hall Meeting Room, 240 East Main Street, Green River, Utah, on the 25th day of January, 2005, at 6:00 o'clock p.m., before Joseph J. Rusk, Registered Professional Reporter and Notary Public at Large.

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MR. WEISHEIT: John, J-o-h-n, Weisheit, W-e-i-s-h-e-i-t, and I represent four groups, so I will explain them carefully. The Sierra Club, through the Nuclear Committee, which is comprised of myself, Sarah Fields, Bill Love, William Love, and Ken Sleight, S-l-e-i-g-h-t, we provided comments to the Sierra Club for scoping.

I also represent the Colorado Plateau River Guides, which is a trade association of river guides, these are the river guides that run Cataract Canyon downstream of the tailings pile.

I also represent Colorado Riverkeeper, Riverkeeper is one word, and it is part of an alliance of 120 international groups and national groups, that work under the auspices of a Waterkeeper, one word, Alliance, based in New York.

And I also am the Conservation Director of Living Rivers, based in Moab, Utah. I won't speak for the Sierra Club, because we will write more detailed comments, but I would like to speak for the river groups at this time, the three.

These three groups of which I represent, I am by the way the secretary of -- secretary-treasurer. The three river groups would like the tailings pile removed. As to whether it is Klondike or Crescent, we believe that those would be the best places to put it. However, we feel Crescent would be better, because the Mancos shale is thicker. The watershed is not as big, you know, it is next, very close to the Bookcliffs, which is kind of a watershed divide.

But we do have one concern about Crescent Junction, and that is there is a person that lives there, even the gas station has since closed and the cafe has since closed, but we are concerned about that person's -- I was hoping that person would be here, but they are not. But we would appreciate it if this person is contacted to see how they feel about this particular placement, and as far as their safety and so on.

We are very opposed to having the site taken to San Juan, mostly on -- for moral reasons. We feel that this is Grand County's problem, and we think it should stay in Grand County. We really don't want to spread our waste to other places to be dealt with. And as far as environmental justice reasons we sympathize with the White Mesa Indian Tribe, we do not want to bring our pollution to affect their groundwater, so we are not at all in favor of imposing the environmental justice and socioeconomics on the native American groups and whatnot.

Number two, the reason why we feel it should be moved is because we feel that there is enough reason to show doubt that this pile, if kept in place, would remain in place for 200 to 1,000 years. We, as river people, we understand the dynamics of rivers and we are well versed in what the U.S.G.S. and other scientific groups have had to report on the hydrology of the Colorado River, and we believe based mostly on two major floods in the 19th century that happened in the 1800's, 1860's and 1880's, as well as the flows of 1917, 1983 and '84, that we feel that the place would be compromised and that this radioactive material associated with, and with all the other associated chemicals, would go into Canyonlands National Park, radiate all the beaches, and would essentially stop our business, as far as river guides and river, private river runners that are using Canyonlands National Park. We feel it would shut the park down, and we feel that would be bad for us as workers on the river, it would be bad for our city, which depends on tourism, and also of course it would be bad for -- that kind of mobilization of radioactive material, it would be Nevada's water supply, and California's water supply and Arizona's water supply.

So we want to be good neighbors, we don't want to spread our waste around on the Colorado River system.

We are also concerned about the endangered fish because the Colorado River has the highest rate of possible extinction of native fish, and so we are very concerned about the quality of the native fish, and we feel that anything that we can possibly do to minimize their extinction, and this is definitely one of the things that we are concerned with.

Now, there was one more thing. I will let other people speak, and I think there is one more thing, but I will be happy to acquiesce to the next person.

MS. FIELDS: My name is Sarah, S-a-r-a-h, Fields, F-i-e-l-d-s, and I represent the Glen Canyon Group of the Utah Chapter of the Sierra Club, and we are located down in Moab. One thing that I think the DOE has to do is really go back over the Uranium Mill Tailings Radiation Control Act and the legislative history of that Act, and think about what the intent of congress was when they passed that Act. And I have a few quotes here. And this is from the legislative history. The Legislation will require every responsible effort to be made by the Federal Government to provide for the disposal, stabilization and control in a safe and environmentally sound manner of such tailings to prevent or minimize the diffusion of radon or the entry of other hazardous things

into the environment. It also said that the public is to have a strong role in the selection of any remedy to procedures provided by the National Environmental Policy Act. It is expected that the Secretary, that is the Secretary of Energy, will give full consideration to the wishes of the public, as expressed through those processes. That is the wishes of the public. In some cases where the department will remedy inactive tailings hazards, tailings will be removed from the original processing site, and disposed of at more suitable locations.

It is intended that the DOE not rush headlong into using technology that may be effective in the short period of time. The committee does not want to visit this problem again, with additional aid. The remedial action must be done right the first time. And in the Act itself, it says Congressional Findings and Purposes. Protection of the public health, safety and welfare and the regulation of interstate commerce require that every reasonable effort be made to provide for the stabilization, disposal and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings. And in response to this, the Department of Energy moved at least 10 uranium tailings sites from inactive mills off the flood plains of nearby rivers.

So I think that under these circumstances where you have even a greater risk of contamination going into the river, where you have even greater risk because of all these unknowns that were listed up here on the board, of the risk of flooding, the questions regarding how much contamination is still in the tailings impoundment, how much that contamination will continue to go into the groundwater, even after the current groundwater remediation is over, even if it takes 100 years. So we have all these questions.

So I think it behooves the DOE to move the tailings pile off the river in order to comply with the Act.

MS. RYAN: Is there anyone else who would like to comment who didn't comment?

John, do you have something else?

MR. WEISHEIT: Yes, there is another example of what I wanted, I was concerned about, because the Bureau of Reclamation did a study that I would like to bring to your attention about the probable maximum rainstorm that could happen on the Colorado River system and at Hoover Dam as the site for the full amount of water that could come through, and it was 700,000 cubic feet per second. Now, of course that includes the San Juan and Colorado and Green Rivers but, you know, it just goes to show the dynamic ability of the Colorado River, and I just find in general, and I will detail these in my comments, but I really don't think the DOE has a credible document to otherwise prove reasonable concerns that this tailings pile will not lift and float downstream in a catastrophic event. We are already overdue for a 100 year flood, and so, you know, it seems like we are ready for a situation there that needs to be looked at with much more credibility.

Thank you.

MS. RYAN: Sarah, do you have additional comments?

MS. FIELDS: Yes, I intend to make extensive written comments, so I will just touch on some of the, some comments, other comments I have.

One thing as far as the alternative, I would agree that the best alternative would be to move the tailings to Crescent Junction. The only other possible alternative would be Klondike Flats. I think it is out of the question to send the tailings down to White Mesa, because of the nearness to the White Mesa Ute community, because of the impact on the cultural sites at White Mesa where some very beautiful archaeological sites, which are now hidden, because most of -- they are under the ground, but those sites will be destroyed.

Some of the differences between Crescent Junction and Klondike Flats are the fact that the Klondike Flats site is right next to an airport, it is also next to a county disposal site, and another thing, it is in an area that is frequented by a lot of visitors, there are a lot of people who ride bicycles, they ride ATVs, they ride motorcycles, dirt bikes in that whole area. And that means going to another area, which will be, will be impacted, and I think that site has a greater chance to be impacted by human activity, and the site would also impact the workers and visitors in that area.

Also I think that the tailings should be moved by rail, considering the amount of tailings, the rail haul option, not truck haul. The truck haul option would mean almost 100 percent increase in traffic on the road, either between Klondike Flats or Moab and Crescent Junction. That means impact to the tourist industry, and that means degradation of that highway, when you have those huge trucks. And I think the other thing, that UDOT expressed their concerns to the DOE about what would happen to that roadway if it were used to haul those tailings up the road.

Also I think that the DOE should consider why we are here, why did this all happen, why did it happen. The DOE ended up with the responsibility for this site, and the reason was because another federal agency failed to regulate the site. The Nuclear Regulatory Commission did not make sure that there was in the past an adequate groundwater remediation. It wasn't until the Oak Ridge National Laboratory came along and did a lot of diagnostics that they discovered there was a huge flume of uranium that was coming from the old mill site itself because the NRC never required Atlas to put in monitoring wells between the site itself and the river, all the monitoring wells were around in town. So that is another failure.

The NRC failed to get the amount of surety that was needed to reclaim this site. Atlas was supposed to pay for all of this, not all of us in this room through our taxes, now it is the members of the public. Now that the members of the public are paying for it, I think we should have a little more say-so than what the NRC has to say about it. And I think it is the general consensus of the members of the public that that tailings pile should be moved. Four western governors say it should be moved. Our congressional representatives all say it should be moved. Grand County Council says it should be moved. The State of Utah says it should be moved. Who says it shouldn't be moved. The only person that is going to say it shouldn't be moved is the DOE, and the decision makers in Washington. Wait a minute, we hired them to take care of this. Our state

representatives, DOE, you take care of it. So I think that the DOE should take care of it in the way that the community wants it to be taken care of. That is what congress said.

Thank you.

MS. RYAN: We encourage you to send your full written comments.

MS. FIELDS: Oh, it will take me a while.

MS. RYAN: Thank you very much for coming, and again, anyone who comments either tonight or anywhere through the comment period will be on the list to receive the final Environmental Impact Statement, so we encourage you to give us your address and so forth on the attendance register.

Thank you.

(Public hearing concluded at 6:42 o'clock p.m.).

#### REPORTER'S CERTIFICATE

I, Joseph J. Rusk, do hereby certify that the foregoing is a true transcript of the testimony given and the proceedings had.

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