

**Clean Water Alliance • Colorado Citizens Against Toxic Waste, Inc.
Defenders of the Black Hills • EARTHWORKS • High Country
Conservation Advocates • Information Network for Responsible Mining
Multicultural Alliance for a Safe Environment • Nuclear Information
and Resource Service • Sierra Club Nuclear Free Campaign
Tallahassee Area Community, Inc. • Uranium Watch
Western Colorado Congress • Western Nebraska Resources Council**

June 19, 2014

Reid J. Rosnick and Tony Nesky
Office of Radiation and Indoor Air, Mail Code 6608
Radiation Protection Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C., 20460

Via email to rosnick.reid@epa.gov, nesky.tony@epa.gov

Re: Request for Public Hearings, Docket ID No. EPA-HQ-OAR-2008-0218

Dear Mr. Rosnick and Mr. Nesky,

We would like to express our appreciation to the Environmental Protection Agency for initiating the Rulemaking for Revisions to the National Emission Standards for Radon Emissions from Operating Mill Tailings, known as NESHAPs Subpart W. This process can provide an excellent opportunity for public involvement and citizen-driven decision-making. The members and supporters of our organizations share a collective interest in ensuring that the new Subpart W rule provides the highest level of protective measures for human health and the environment and that an appropriate regulation is developed to limit radiation emissions from uranium recovery facilities across the United States.

As such, members of our organizations are eager to attend and participate in public hearings and respectfully request that EPA hold multiple proceedings in affected communities in order to enable a more robust and participatory decision-making process. Due to the lengthy travel distances in the West, holding hearings in multiple locations is warranted because the new rule will have bearing on facilities in each respective region. EPA is also obligated to consider Environmental Justice issues in the development of the new Subpart W rule. Many of the affected communities near uranium recovery facilities include residents who are members of indigenous groups, whose interests must be

considered and whose interests must be addressed. In all communities affected by uranium recovery facilities, Environmental Justice issues are also linked to economic disparities, which must be carefully weighed and considered. Having multiple hearings will increase the ability of affected community members to participate directly in the public review process and address these issues.

Therefore, we request that EPA hold hearings in the following locations during the public comment period:

- White Mesa, Utah
- Cañon City, Colorado
- Gallup, New Mexico
- Rapid City, South Dakota

The community of White Mesa, Utah, is home to the only operating conventional uranium mill in the nation and is currently subject to Subpart W regulation. The operation of the mill and its history of noncompliance with EPA and State of Utah regulations, including Subpart W, have been controversial and have resulted in litigation against the operator that addresses the violation of Subpart W requirements and the operations of the subject tailing ponds. Nearby residents have experienced the impacts of offsite contamination and radioactive releases from the White Mesa Mill, as documented in a peer-reviewed study issued by the U.S. Geological Survey in 2011. The future Piñon Ridge Mill in Colorado is also within reachable distance of White Mesa. Members of the public expressed great dissatisfaction with the Subpart W permitting of this mill, which largely exempted monitoring requirements to help prevent radioactive releases. It is essential for EPA to conduct a hearing in White Mesa and take input from people who live in the region.

Residents of Cañon City, Colorado, and the surrounding region have an interest in ongoing EPA oversight of the Cotter Corporation mill at Lincoln Park, which is currently undergoing final closure but is subject to Subpart W compliance because of the continuing deposition of material into regulated tailings ponds. Community members are directly affected by the mill's history of radioactive releases and years-long issues with the implementation of monitoring required under Subpart W. In addition, surrounding areas are also affected by future uranium recovery proposals that involve developing technologies that are likely to be classified for regulation requiring NRC licensing and EPA oversight for Subpart W implementation.

Gallup, New Mexico, is the city nearest to the first proposed in-situ recovery uranium mine in New Mexico. Gallup is a central location, accessible for multiple communities on Navajo Nation and the Pueblos of Acoma, Laguna and Zuni, which are affected by the possibility of future regulated facilities in Northwestern New Mexico and on Mount Taylor. Existing reclamation and closure projects near Milan and Churchrock operate evaporation ponds that emit radon into surrounding communities. There are proposals for conventional uranium mining and processing facilities around Mount Taylor. Affected communities in the region have a direct interest in implementation of

Subpart W due to its implications for radon releases from: 1) in-situ recovery mining, and 2) two evaporation ponds that are currently in place on top of the Churchrock uranium mill tailings pile. Residents throughout the region are also concerned about the impacts to tribal lands, jurisdictions and traditional use areas, most notably the state-designated Mt. Taylor Traditional Cultural Property as it pertains to Subpart W. A public hearing in Gallup will help EPA to take direct input from affected residents in the interest of fully addressing Environmental Justice concerns as part of the Subpart W rulemaking process.

Rapid City, South Dakota, is a central location to take input from members of the public affected by the proposed Dewey-Burdock in-situ mine, sited on traditional lands of the Oglala Sioux Tribe, which has raised significant issues about the impacts of radiation releases and contamination of important cultural areas. Members of the public who are affected by the Crow Butte facility in Chadron, Nebraska — which has a lengthy history of radioactive releases — as well as by uranium recovery facilities in northeast Wyoming will also receive the benefit of participation in a hearing in a regional location. Residents in the region are affected by the increasing number of proposals and expansions planned for in-situ recovery facilities in the Northern Plains and would enjoy an increased opportunity to participate through a hearing in Rapid City.

Thank you for considering our request to hold multiple hearings in affected communities for the Subpart W Rulemaking. If you have any questions regarding this correspondence, please do not hesitate to contact any of our organizations.

Sincerely,

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