

State Quits Tailings Cleanup Fight

By Nolan Hester

JOURNAL STAFF WRITER

FOR DAYS, Terry Morgan and his co-workers in the state Radiation Protection Bureau have cleared shelves and drawers, filling box after box.

Next week, the boxes — all 60 of them — will be shipped to Dallas as the New Mexico bureau calls it quits. From now on, the federal Nuclear Regulatory Commission will lead the fight to do what New Mexico could not — force permanent cleanup of nearly 90 million tons of uranium wastes that dot the canyons between Grants and Gallup.

The piles, about 10 stories tall and covering a half square mile, are monuments to the time when nearby mills were major employers in the state, extracting uranium to fuel the nation's nuclear power plants. The boom days of the '60s and '70s are gone. Some uranium industry spokesmen say tough cleanup standards will kill any hopes of a future rebound.

For 10 years, the state and the uranium industry have been locked in battle over just how dangerous the piles are and how much should be spent to clean them up. Court fights at the state and federal level continue.

Last month, when faced with cutting its budget by \$500,000, the state Environmental Improvement Division decided it could save money and be rid of a headache by turning its uranium program over to the NRC.

"The constant stream of litigation has made the state's job very tough," says EID Director Denise Fort. "I don't know of many industries where it's taken so long to get regulations in place."

Stanley Crout, an attorney for New Mexico's major uranium firms, says Fort overstates the dispute. The industry was willing to accept less strict state rules, says Crout, but EID insisted on following NRC's rules. The federal rules, he says, have nothing to do with safety. So, industry is fighting them in court.

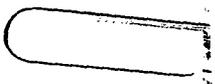
Press Intelligence, Inc.
WASHINGTON, D.C. 20005

Front Page	Edit Page	Other Page
------------	-----------	------------

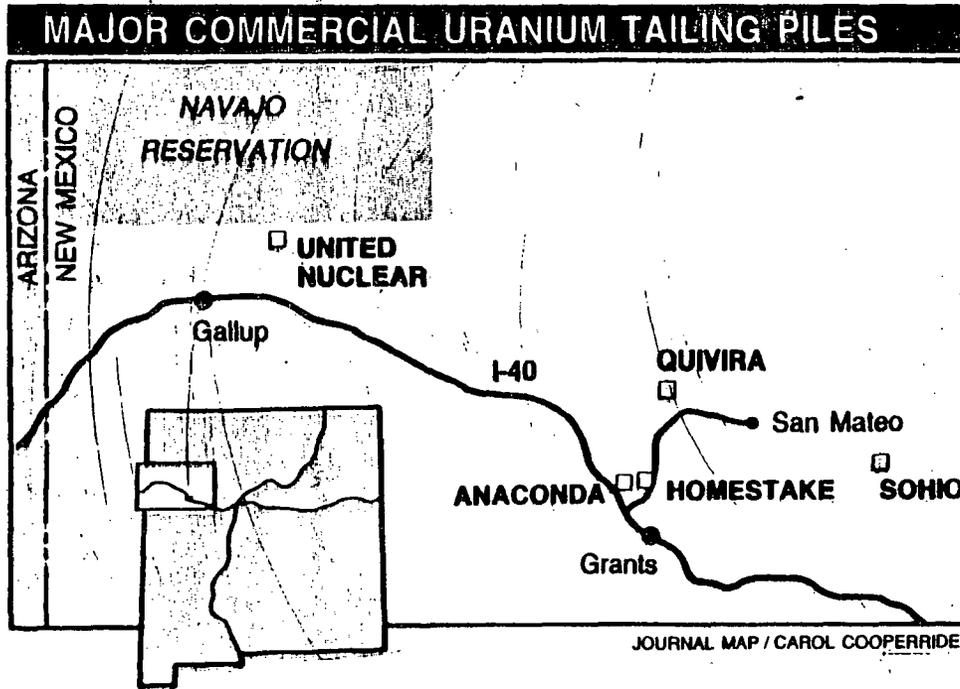
ALBUQUERQUE, N.M.
JOURNAL
M - 93,530
S - 133,872
MAY 11 1986

While NRC officials vow to press ahead on getting the tailings cleaned up, weary state officials wonder privately if New Mexico's problem will prove too big even for the federal agency.

Half the nation's commercial uranium wastes lie within the state at five major sites: United Nuclear's pile at Church Rock, Anaconda's Bluewater pile, Homestake Mining's Milan pile, Quivira Mining's Ambrosia Lake pile and Sohio's pile near Laguna. The NRC



N.M. Environmental Division Shifts Uranium Program to Nuclear Agency



also must do the work without new people since it faces a hiring freeze.

Crout questions whether the state can just hand the cleanup program back to NRC. He says there should be a formal NRC hearing where industry can argue against the transfer.

Still, the licensing chief in NRC's field office, Harry Pottengill, says, "I have every hope that it's going to move off smoothly after the initial transfer."

The issue of state versus federal control is crucial. Under older and less strict state rules, for example, cleanup of Homestake's pile might cost \$11 million, say industry officials. Under the newer federal standards, it would cost at least \$50 million. Neither total includes the cost of cleaning up polluted ground water, a task the state still will direct.

The big price gap stems from how much dirt should be put atop the piles to reduce radiation emissions. Another key difference is whether that dirt should stay in place for 200 or 1,000 years.

"They are pricing us right smack out of a competitive future," says Ed Kennedy, of Homestake Mining and chairman of the New Mexico Mining Association's uranium subcommittee.

Kennedy complains that the whole cleanup effort is misguided. Radiation coming from the piles as radon gas is not a health threat, says Kennedy, especially since fences keep people off the piles.

"We don't understand why they need to develop such a ridiculously stringent standard," says Kennedy.

Michael Brown, acting chief of the radiation bureau, disagrees.

He says the chalk-fine tailings dust can blow away and lodge in people's lungs where it may cause cancer. While mills removed the uranium, Brown says the tailing piles remain highly radioactive because they contain other related elements: thorium, radium, radon, polonium and bismuth.

Radioactive tailings from Anaconda's pile have blown five miles away. While dust is not "hot" enough to require immediate cleanup, Brown says the radiation levels are much higher than in uncontaminated areas nearby.

"Those are numbers picked out of the air," replies Kennedy. "It would be almost an impossibility to return uranium areas to the way they were before we were here. It's

MORE: See URANIUM on PAGE C3

186

CONTINUED FROM PAGE C1

economically unfeasible." State warnings about blowing tailings, says Kennedy, amount to "fearmongering."

Brown sees a second threat from the piles. Seepage from them contains arsenic, lead, chromium and selenium, which can cause cancer, brain damage, kidney failure, liver damage and poisoning.

While seepage has not reached any private wells, water spreading underground from the Homestake and United Nuclear piles prompted the federal Environmental Protection Agency to declare both as Superfund sites. The Superfund program targets the nation's worst hazardous waste sites. Federal money is used for quick cleanup unless the polluting party can be found.

In response, Homestake spent \$2.5 million to install an elaborate network of wells that catch seepage before it spreads into the ground water. Kennedy says his company put in the pumpback system in 1976,

shortly after the EPA found high selenium levels in nearby ground water. A subdivision in the area now uses water from the village of Milan — at Homestake's expense.

By pumping the polluted seepage out of the ground, chemically treating it and pumping it back underground, the firm has halted the contamination's spread.

"It's been extremely effective," Kennedy says, "Seepage is a concern at many operations but it can be controlled."

United Nuclear has built a similar pumpback system, which costs \$1 million a year to run. State officials say that system also has slowed the spread of pollution.

While Homestake has cleaned up its immediate problems, United Nuclear's pile continues to pollute underlying ground water. EPA is still drafting a cleanup plan for the site, which is expected to cost millions of dollars.

As long as the tailings remain wet, says Brown, they will leak. For that reason, he sees the pumpback system as a short-term solution to a

long-term problem.

"I'm not saying people are going to be dying off like flies, but what we want to do is reduce people's risk," he says.

What the state and the NRC want is for the companies to dry out the piles and cover them with dirt to cut the escaping radiation. Unlike old federal rules which demanded at least 10 feet of dirt cover, the new rules are pegged to the amount of radiation escaping the piles. The amount of cover needed now depends on the site, something industry had pushed for.

But Crout says the new tailings emission limit — 20 picocuries per square meter — is too tough. After all, he says, most piles are fenced, which keeps people from getting exposed to even low levels of radiation.

State and federal officials counter that fences fall down. The whole point of the rules, they say, is to make the piles safe for centuries, since it will take that long for the piles' radioactive elements to break down. To make sure the piles' cover

is not eroded away before then, the NRC will require the firms to make them stable for at least 200 years, or 1,000 years if possible.

Crout maintains the rules are neither scientific nor fair. While the industry lost its appeal of the new EPA rules last fall before the 10th U.S. Circuit Court of Appeals in Denver, it is carrying the fight to the U.S. Supreme Court. No hearing date has been set yet.

What frustrates Kennedy is that the state and federal rules kept changing. "For the past 10 years, we've never had a constant set of regulations to shoot for."

Two of the five major firms — Sohio and Anaconda — have agreed informally to follow the new federal rules. Anaconda's General Manager Meade Stirland says that does not mean the industry is divided in its stance. He notes that rules that Anaconda might meet could be unreasonable at another tailings site. "We've always taken a cooperative attitude, though not a lay down and roll over attitude," he

says.

Crout rejects state suggestions that the other three firms are stonewalling the rules.

But EID attorney Dick Young says, "They have made quite clear that they will not comply with the federal regulations until ordered by a court to do so."

Young says it was industry resistance, finally, that forced the state to turn to federal agencies for help.

The state has tried for five years to change its uranium rules to mirror federal law. Young says

industry has fought that at turn.

And while federal rules remain in force until overturned, state laws are suspended automatically if challenged in court. That, says Young, created a powerful reason for the industry to stick with state rules and avoid federal control. "We were looking at years of litigation." EID Director Denise Fort adds, "We've been stuck in this regulatory hiatus for years."

In the end, she said, it was easier to give up than press on.