

November 5, 2012

Judge Richard Dana  
Judicial Arbiter Group, Inc.  
1601 Blake Street, Suite 400  
Denver, Colorado 80202  
Via U.S. Mail and Email

Dear Judge Dana:

With hearings on the proposed Piñon Ridge Uranium Mill set to begin next week, Colorado Citizens Against ToxicWaste (CCAT) – a group of residents impacted by the Cotter Mill, a Superfund mill site in Cañon City – is writing to you to outline our concerns about the proposed mill since most of our members will not be able to travel to Nucla, Colo., to attend the hearings.

We believe our first-hand experience in coping with pollution from the contaminated uranium mill and dealing with state radiation regulators' ineffective management of the facility over the past decade serve as stark warnings about the state's ability to ensure proper oversight of the proposed mill in western Colorado.

CCAT first formed in 2002 as a volunteer organization of health-care workers, educators and business professionals focused on stopping the importation of toxic waste from the Maywood Chemical Works Superfund site in New Jersey to the Cotter Mill – a Superfund site itself that Colorado regulators have managed since the late 1980s.

When CCAT began to fight the proposal to import radioactive waste, some of us who live near the mill learned that pollution from the facility had contaminated our well water – a fact that officials at the Colorado Department of Public Health and Environment (CDPHE) failed to effectively warn residents about for years. Ultimately, as you know, the proposal to import radioactive waste for direct disposal at the site was rejected.

Since 2002, CCAT has worked with Republicans and Democrats in the Colorado General Assembly to pass a series of laws that have increased public participation and required meaningful socio-economic evaluations in the licensing and siting of facilities that handle radioactive waste.

In 2010, we teamed up with a bipartisan group of legislators to pass a bill that requires owners of uranium mills to clean up their contamination before seeking approval to process new materials and that forces facilities to mail notifications of contamination to impacted well owners.

Over the years, we have developed a broad, diverse group of supporters from across the political and social spectrum dedicated to reversing the long history of uranium contamination in our state and in our communities. Unfortunately, despite our best efforts to work collaboratively with the CDPHE over the cleanup of the Cotter Mill, we have seen radiation regulators dismiss our concerns, forcing our group to take CDPHE to court in a pending case aimed at ensuring that meaningful clean-up is achieved and financial liability stays where it belongs – with the industry.

We believe that no Colorado resident should have to resort to filing legal challenges against state regulators to force them to protect citizens from the risk posed by radioactive waste to their water and their health.

Problems with the CDPHE's close ties to the industry it regulates didn't just appear when CCAT formed in 2002. Instead, this coziness has festered for years, according to an investigative story from *The Denver Post* last year. The newspaper found that CDPHE regulators have long "ignored warnings from the EPA, independent firms and their own engineers" about pollution at the site ("[Cotter mill's ties to Colorado regulators may have become toxic](#)," Oct. 23, 2011). The result, according to *The Denver Post*, is a "cleanup that has dragged on for 30 years and is at least a decade away from completion."

There is no question the state has inherited a legacy of problems at the Cotter Mill that will necessitate strong collaborative efforts from all parties to finally resolve. However, in recent years regulators have continued to make questionable decisions and allowed long remediation delays that have put our health and water in jeopardy. In the last 10 years, the CDPHE allowed the owner of the mill to:

- Wait 20 years to conduct a second comprehensive "Water Use Survey" of well water owners who lived in areas tainted by pollution from the Cotter Mill. In 2008, seven families were found to be unwittingly using wells tainted by pollution from the mill for all domestic purposes because of CDPHE's failure to implement any institutional controls.
- Delay the cleanup of nine, 600,000-gallon toxic tanks from 2002 to 2010. That occurred even though the state issued an enforcement citation to the owner of the mill in 2002 after the tanks were found to be leaking and in disrepair.
- Delay the remediation of high concentrations of uranium in groundwater under a nearby golf course. Documents from the company show that CDPHE regulators have known about the contamination since 1979, but it has still not been remediated.

In the last two years, the CDPHE has allowed the owner of the mill to:

- Dump [90,000 gallons](#) of radioactive sludge and solvents into a 157-acre impoundment pond that the agency acknowledged was leaking in June 2007.
- Proceed with the [dumping of toxic chemicals](#) and radioactive waste at the mill even though the state knows that dangerous levels of uranium concentrations in groundwater already exist at the mill.
- Dump approximately 1.5 million tons of ore, heavy machinery, building demolition materials and contaminated soils into the impoundment ponds. Another 1.5 million tons of soils are earmarked for disposal.
- [Implement flawed monitoring](#) and delay remediation of a groundwater plume of trichloroethene (TCE), an industrial solvent. That has occurred even though regulators have found dangerous levels of TCE and determined the plume has impacted one water well.
- Fail to submit an updated Decommissioning cleanup plan requested numerous times, while allowing demolition of the mill and disposal into the impoundments to go forward without public input. A new cleanup plan was required due to concerns about the impoundment cap design, an inadequate soil characterization plan and groundwater monitoring program, and new contamination plumes identified since the last license renewal hearing in 2005.

And just last week, Colorado's Water Quality Control Commission changed a key [water pollution standard](#) for molybdenum, a uranium mill-related contaminate – effectively allowing the owner to escape responsibility for another plume of groundwater contamination at the Cotter Mill.

Given this lengthy record of negligence in regulating a highly dangerous radiation industry, we feel any debate about issuing a permit for the proposed Piñon Ridge Mill must be undertaken with careful consideration of the agency that will oversee its operation. CDPHE's history at the Cotter Mill should make anyone shudder at the potential for what can – and likely will – happen at Piñon Ridge.

Ultimately, we understand that it's your job to make a full and impartial decision on the merits of the Piñon Ridge Mill license. It's a large responsibility that will leave lasting implications for the Western Slope and all of Colorado.

But based on our long experience in dealing with CDPHE radiation regulators – who have consistently battled against public efforts to protect our families – we wanted to highlight the very real worries we have if this mill is approved. Ultimately, we don't believe Colorado is up to the task of regulating the proposed Piñon Ridge Mill, which the CDPHE helped design and is based on Cotter Mill schematics.

At the end of the day, we don't want these Western Slope communities to have to go through what we have gone through. These communities can see [many jobs](#) that are not subject to the booms and busts of uranium mining from remediating old and abandoned uranium mines, some of which once fed the Cotter Mill, are still in Cotter's control, and are in a similar state of contamination and disrepair as its now-defunct mill.

Sincerely,

FOR THE BOARD OF DIRECTORS

**Colorado Citizens Against ToxicWaste, Inc.**



Sharyn Cunningham, Co-Chair



Carol Dunn, Co-Chair

**Enclosures:** Blue underlined words are hyperlinks  
to referenced news stories and documents