



## **C.A.R.D. appeals EPA permit for water testing at proposed Powertech uranium mine**

By David O. Williams | 01.10.11 | 5:50 am

Activists and property owners in northern Colorado contend the U.S. Environmental Protection Agency (EPA) failed to properly obtain and review the results of critical groundwater aquifer pump tests before granting to a permit last month to Powertech USA, a subsidiary of a Canadian company proposing an in-situ leach uranium mining project.

Coloradoans Against Resource Destruction (C.A.R.D.) filed an appeal with the EPA alleging the regulatory agency didn't look at Powertech pump tests from 2008 before issuing a permit to allow another pump test out of the Upper Fox Hills Formation to collect hydrogeologic information needed to ultimately approve the Centennial project. The proposed mine is about 15 miles northeast of Fort Collins.

C.A.R.D. insists those tests will reveal the true integrity of the underground layers that separate the Upper Fox Hills Formation — which contains uranium, radium, antimony and iron exceeding federal water quality standards — from the overlying Laramie Formation, which doesn't contain unsafe levels of minerals and is used as a source of drinking water. The in-situ leach mining process of extracting uranium uses large quantities of water, which then must be reclaimed.

“While on the surface the permit appeared complete, a detailed review showed that critical information was lacking,” said Jay Davis, a C.A.R.D. co-founder whose Mustang Hollow Ranch is next to the proposed Centennial project. “As we've said from the beginning, we want the EPA to apply a high standard to protect our groundwater, and that includes reviewing all relevant information.”

It's also hoped EPA review of Powertech's 2008 tests before allowing more pump testing will reveal the extent to which thousands of uranium exploration bore holes drilled in the area in the late 1970s might have degraded the containment layers between the two water aquifers.

Powertech in November sued the state of Colorado over its regulatory rulemaking process, charging it overreached the intent of the Colorado Legislature, which in 2008 passed laws compelling uranium mining operation to reclaim water to previous purity levels.

A Powertech attorney at the time told The Colorado Independent that the company's legal challenge had nothing to do with higher costs.

“If you want to narrow it down, it's a resource issue in terms of utilizing more water resources to make sure that you meet the mandate and bring water quality back to background or better,

which is what the rule states, and of course that's what the legislation states," said John Fognani of Fognani and Fought law firm. "At the end of the day it's really the water resource issue."

But opponents of the Centennial project maintain Powertech has consistently promised to do the utmost to protect scarce water resources and then done the opposite when faced with the regulatory framework to make it happen.

"Powertech and the EPA committed to adhering to the highest standard in protecting groundwater quality and this permit falls short," said Ken Tarbett, who owns the closest property, including a drinking water well just west of the pump test site. "Not unlike Powertech's decision to sue over groundwater protections at the state level, it appears this company is unwilling or incapable of living up to their repeated promises to do everything necessary to protect local water supplies."

In western Colorado, opponents of the proposed Piñon Ridge uranium processing mill continue to weigh their legal options as they review last week's state approval of a permit for the nation's first milling facility in 25 years. Proponents hope for a revival of the uranium mining industry in the Uravan Mineral Belt along the Colorado-Utah border.

The area was a hotbed of yellowcake production during the Cold War and in the pre-Three Mile Island nuclear power boom that still sees 20 percent of the nation's electricity produced by nuclear reactors. In recent years there's been a push to revive nuclear power as a cleaner alternative to coal, oil and gas, but opponents say nuclear power is too expensive and creates its own toxic legacy, especially in the forms of mining waste and waste from spent fuel.

The Piñon Ridge Mill, proposed by another Canadian company, Energy Fuels, would be located in the Paradox Valley near Naturita, very close to the scenic Dolores River. The Dolores, which flows into the Colorado, is considered a boating and fishing mecca in western Colorado.

"If the tailings pile were to leak [at the Piñon Ridge Mill], as all tailings piles inevitably do, the contamination would impact the immediate surrounding surface water, would likely travel to the Dolores via underlying groundwater sources and eventually to the Colorado River," more than 20 environmental groups wrote the state in a letter sent (pdf) on the same day that the permit was issued last week.

Outdoor recreation and tourism, which have consistently grown since the last great uranium mining boom, would be adversely impacted by a mining revival in the Uravan Belt, according to a recent study.

"In the past the uranium industry has proved itself to be an unreliable engine of economic progress, vulnerable to the vicissitudes of the energy market and prone to boom and bust cycles that leave behind destitute communities saddled with an additional burden of environmental cleanup," the groups contend.

<http://coloradoindependent.com/71298/c-a-r-d-appeals-epa-permit-for-water-testing-at-proposed-powertech-uranium-mine>