

EDO Principal Correspondence Control

FROM: DUE: 02/17/05 EDO CONTROL: G20050058
DOC DT: 01/16/05
FINAL REPLY:

Larry Carver
Murray Acres Community Association

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN ** CRC NO: 05-0042
Strosnider, NMSS

DESC:

Request Aid in Receiving a Clean Water System in
Murray Acres - Removal of Contaminants

ROUTING:

Reyes
Virgilio
Kane
Merschhoff
Norry
Dean
Burns
Mallett, RIV
Cyr, OGC

DATE: 01/28/05

ASSIGNED TO: CONTACT:
NMSS Strosnider

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 27, 2005 19:21

PAPER NUMBER: LTR-05-0042 **LOGGING DATE:** 01/25/2005
ACTION OFFICE: EDO

AUTHOR: Larry Carver
AFFILIATION: NM
ADDRESSEE: Nils Diaz
SUBJECT: Community water system in Murray Acres, New Mexico...request aide in receiving clean water.....

ACTION: Direct Reply
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 01/16/2005
ACKNOWLEDGED: No
SPECIAL HANDLING: Made publicly available in ADAMS via SECY/EDO/DCP

NOTES: OCM #6641
FILE LOCATION: ADAMS

DATE DUE: 02/17/2005 **DATE SIGNED:**

EDO --G20050058

6641

CHAIRMAN REC'D
05 JAN 25 AM 9:22

January 16, 2005

Nils J. Diaz
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Diaz:

We, the residents of Murray Acres, New Mexico, are writing to you hoping that our faith in the democratic process is not ill-founded. We live in a poor, rural community. Some of our families have lived in this community for three generations. We had hoped to preserve a rural tradition that is quickly disappearing in our state and country. Unfortunately, because we are not wealthy enough to afford attorneys and extended legal battles, our way of life is threatened and our property has been taken.

Forty six years ago, a uranium processing mill was located less than 1/2 mile northeast of Murray Acres, the community where we live. We certainly did not understand the dangers of storing the waste water from that process in an unlined pond adjacent to the facility directly on top of the alluvial aquifer. The times were such that many of our husbands, brothers, fathers, and sons worked in the uranium mines with no knowledge of the effects of long-term exposure to radiation. We were healthy; our livestock was healthy. We used our private wells to water animals and grow gardens unaware that our lifestyle was being compromised. We were ignorant and there were few rules or restrictions on uranium mining. How much the companies or governmental agencies knew about potential hazards at that time, we do not know nor do we have the time or resources to ever really know.

In 1976, representatives of the New Mexico Environment Department and the U.S. Environmental Protection Agency contacted us and told us it was unsafe to drink the water from our wells or to use the water for livestock or gardens. For six years, Homestake Mining brought us bottled water. Eventually our wells became so polluted that it was also impossible to grow gardens or water livestock. In the 1990s, the Homestake Mill Tailings Site was added to the list of newly-created Superfund Sites. Our water and our way of life were changed forever. In spite of the fourth amendment of the United States Constitution, Homestake Mining Company was allowed to contaminate the water on which we depended, in essence taking this most vital and valuable property from us.

We did not give up. We are not wealthy but, like most rural citizens, we are resourceful and determined. We banded together, pooled our money, and hired an attorney. Unfortunately our attorney was a little fish swimming in vast corporate waters. While state and federal officials seemed sympathetic to our cause, when it actually came time to testify, it was as though they were talking out of both sides of their mouths. Homestake Mining agreed to pay to hook us up to the domestic water system from an adjacent

community and to pay a portion of our water bills (7,500 gal. winter; 12,500 gal. summer) for ten years since Homestake Mining, with complicit assent of the New Mexico Environment Department and the EPA, assured us the contamination problem would be remediated within ten years. We did not make them sign off on that guarantee, since we were naïve and believed they were telling us the truth. By the time the lawsuit was settled with the attending local publicity, our property values had also plummeted. Homestake Mining Company, with the consent of state and federal officials, had contaminated our water and made it financially impractical for us to relocate. But they had given us back good drinking water and had developed an elaborate plan using injection wells to clean up the contamination. Our community irrigation system was still in tact drawing from an unpolluted source in a deep aquifer. So even though our property values were shot, and we had to scale back on gardening and livestock, we thought we could persevere.

1995 came and went. The clean-up had not proceeded as promised, but Homestake Mining Company did keep one promise; they stopped paying for our domestic water and the full water bills reverted to us. With nothing in writing, there was nothing we could do. In the meantime, two of our neighbors closest to the site died prematurely. Homestake bought their property and everything on that property was removed. Although, they assure us windblown contamination from the site poses no health risks and were not related to those deaths, we have learned to be less accepting of their assurances. We now pay for water we once owned and we cannot sell our homes for a fair market value, but we have adapted our lives around those facts.

Last month at a public meeting in Grants including representatives from the Nuclear Regulatory Commission, Environmental Protection Agency and New Mexico Environment Department, we were told the clean-up will be completed by 2013. Homestake Mining was purchased by Barrick Gold Corporation. They are currently in negotiations with federal agencies to establish the water background levels that will be used to determine when Homestake/Barrick can be absolved of this liability. The problem is: there were no established prior background levels. In other words, we do not know what the quality of our water was before Homestake Mining contaminated it. By very sophisticated statistical calculations, (which we are told we would not understand and therefore cannot be party to meetings where they are discussed), they are trying to determine what levels of various contaminants our water may have contained before Homestake/Barrick's known contamination. The background levels they propose to use come from areas the company and government officials claim are uncontaminated, but we know for a fact were subjected to run-off from other uranium mining and milling operations. We have asked them to either consider background levels from uncontaminated areas or to require the water to be cleaned to safe drinking water standards. Even though the governmental entities claim to have only our best health interests at heart, they assure us federal laws will not allow them to do this.

We also know that what Homestake/Barrick considers its final solution to this Superfund site is no solution whatsoever. They assert that after existing wells are basically diluted to background levels we do not accept but will get Homestake/Barrick off the hook with the government, they will cover the site so no more water can penetrate to the contamination and the problem will be solved. Off the record, EPA officials admit the site, even without

additional water added, will continue to seep contamination, "into perpetuity," but they will not offer this view in public meetings.

Homestake/Barrick just wants out from under the liability. This is certainly understandable and they could do so honorably by supplying a community water system from a deep, clean, available, and seemingly impenetrable aquifer and by slurring the existing tailings pile to a lined pond. It would be cheaper however for them to pretend to clean up the site and get out as quickly as possible. What would motivate our federal and state officials to accept such a proposition, we cannot imagine.

Having read the company's annual report and having worked with Mr. Cox, the site manager, who has tried to be as accommodating as possible, we believe there is a chance that Barrick Gold Corporation will act honorably. However, we need your help to assure this happens and to assure that the governmental agencies that should be protecting our interests and working for the best possible solution are encouraged to do just that.

We have followed this situation for many years and could actually offer technical assistance that might surprise and help the entities involved. If our democracy cannot protect those of us who cannot afford to protect ourselves, then we have no real democracy at all. We are asking for a clean water system and removal of the contaminants to a lined storage facility. In 2003, Barrick Gold Corporation donated over 6 million dollars to charities and community infrastructure development. We are definitely a community in need of support.

Specific individuals you may want to contact are listed on the attached page. Please help us make this solution a reality. It is a life and death issue for our community, our children, and our grandchildren.

Sincerely,



Larry Carver, President
Murray Acres Community Association
Member Signatures Attached

Name	Agency	Phone	Email
Larry Carver	Murray Acres Community Assoc.	505-287-2463	carver@7cities.net
Milton Head	Murray Acres Community Assoc.	505-287-3496	cheaddyl@direcway.com jonnie@jonniehead.com
William von Till	United States Nuclear Regulatory Commission	301-415-6251	rwv@nrc.gov
Sai Appaji	U.S. Environmental Protection Agency Region 6	214-665-3126	appaji.sairam@epa.gov
Mark Purcell	U.S. Environmental Protection Agency Region 6	214-665-3126	purcell.mark@epa.gov
Mike Huber	New Mexico Environment Department Ground Water Quality Bureau	505-426-3777	
Jerry Schoeppner	New Mexico Environment Department Ground Water Quality Bureau	505-827-0652	
Dana Bahar	New Mexico Environment Department Ground Water Quality Bureau	505-827-2908	
Kevin Myers	New Mexico Environment Department Ground Water Quality Bureau	505-827-2909	
Robert Johnson	EPA Community Involvement	214-996-6676	
Pamela Travis	EPA Attorney	214-665-8056	
Arnold Ondarza	EPA Ombudsman	800-533-3508	
Kathy Gibson	EPA State Coordinator	214-665-7196	
Al Cox	Barrick Gold Corp. Site Manager	505-287-4456	
Gregory Wilkins	Barrick Gold Corp. CEO	416-861-9911	

We, the undersigned members of the Murray Acres Community Association, have reviewed and concur with the attached letter. Please give us a clean water system and remove the contamination to a lined pond.

Name	Address	Phone	Email
Larry Mandagan	P.O. Box 2122 Milan	285-6714	
H.A. Strickland	POB Milan 2761	287-4142	
Jim Ed Strickland	2761	287-4142	
Ronald D. Paulk	4280	285-4305	
Martelle Mize	4285 ^{SAN} MATEO	285-5276 - 285-3889	
Janelle Smp	P.O. Box 1535	287-4082	
Pablo Suedra	PO Box 374 Grants	287-8624	
Tommy Singer	PO Box 1535 Grants, NM	87020	
Opuki Day	POB 812 Grants NM	87020	
Leonard J. Crawford	PO BOX 3475	287-2168	
Jimmy Jones	PO Box 238, Grants, NM	87020	
Saul Panchagaran	P.O. Box 2122 - Milan - NM	87021	
Sally Carr	PO Box 2970 Milan NM	87021	
Winnie Wilcox	Box 2711 Milan NM	87021	oheaddy1@direcway.com
Candace Heath Dylla	P.O. Box 1651 Grants NM	87020	
Jessie G	P.O. Box 1651 Grants, NM	87020	
Jimmy Carr	Box 2970 Milan, NM	87021	
Granble Mize	4285 San Mateo Rd Grants NM	87020	
Milton Paul	Box 2038 Milan, NM	87021	

We, the undersigned members of the Murray Acres Community Association, have reviewed and concur with the attached letter. Please give us a clean water system and remove the contamination to a lined pond.

Name	Address	Phone	Email
Jonnie R. Head	P.O. Box 2038, Milan, NM 87021	505-287-8817	
Hana Valdez	Box 2770, Milan, NM 87021	505-225-5635	
Mary K. Sanchez	PO Box 234 Grants, NM 87020	505-876-5475	
Mark Elton	Box 203 Grants NM 87020	505-287-5000	
Stephens Elkins	Box 1203 Grant, NM 87020	505-287-5000	
Valerie Long	P.O. Box 812 Grant, NM 87020	505-285-4165	
MARTY VIBL	P.O. Box 2484 MILAN, NM 87021	505-287-4254	
Mary Long	P.O. Box 2484 Milan, NM 87021	505-287-4254	
Conner L	PO Box 129 grants NM 87021	505-290-7000	