



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF THE EXECUTIVE DIRECTOR

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40-3453

October 5, 1999

John Surmeier, Chief
Uranium Recovery Branch
Division of Waste Management
Nuclear Regulatory Commission
Washington, D.C. 20005-0001

Dear Mr. Surmeier:

Re: Atlas Uranium Mill Tailings Site Reclamation

The Atlas Mill Tailings Site presents numerous significant problems, which remain unresolved, including reclamation of the site and cessation of contamination impacting the Colorado River. Several entities have responsibilities and/or interests regarding the cleanup.

I invite you to join in an effort to identify issues and work together to resolve these problems, using the Enlibra Principles as a basis for our discussions. A copy of the Western Governors' Resolution on Enlibra is attached.

The initial meeting is scheduled for October 19, 1999, 1:00 to 5:00 pm, in Salt Lake City. A proposed agenda is attached, along with a list of invitees.

Please contact Bill Sinclair (801-536-4259) or me (801-536-4404) if you will be able to attend and if you have questions or suggestions. I look forward to working with you.

Best regards,

Dianne R. Nielson, Ph.D.
Executive Director

Attachments

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**Western Governors'
Association**

POLICY RESOLUTION 99 - 013

Principles for Environmental Management in the West

June 15, 1999

SPONSORS: Governors Kitzhaber and Leavitt

A. BACKGROUND

Vision Statement

1. The people of the West face a common challenge. The quality of life we cherish is threatened - in part by our own success - as our rapid growth impacts much of the environmental quality and many of the natural resource systems that characterize our region. A number of factors illustrate the change that is occurring.
 - Throughout the 1990s, the population growth rate in the Western United States has surpassed that of every other region of the country, in part because of the draw of the Western quality of life and magnificent landscapes. Population mobility and growth and the resulting increased diversity in values are changing both the political dynamics and the region's economy.
 - While its historic base of natural resource-related industries, such as farming, fishing, mining, and wood products, remains important, the West has diversified dramatically and now counts telecommunications, tourism, recreation services, transportation, information technologies, software and entertainment companies among its larger employers.
 - Globalization of markets, changing preferences, substitute materials, and availability of natural resources have affected the competitiveness and resiliency of many Western communities. Communities must work to retool, adjust and diversify to remain competitive.
 - At the same time, the nature of environmental and natural resource problems is changing. As large, easily identified sources of pollution are controlled, the threat to the environment has shifted to diffuse, numerous, and smaller-scale sources. Our sheer numbers and consumption habits make environmental progress increasingly dependent on the daily behaviors and decisions made by every individual.
 - Agricultural consolidation and dispersed development have affected land-use patterns resulting in a wide range of economic and environmental impacts. Impacts range from impaired air quality from increasing numbers of commuters and miles traveled, to fragmented habitats and disrupted migration routes for wildlife. Good stewardship born

of locally controlled and economically sustainable agriculture may also suffer.

- New computer and communications technologies, as well as new environmental monitoring and characterization technologies, create opportunities for innovative solutions to preserve and enhance the environment and communities of the West.

There is a lot at stake. Westerners enjoy majestic mountains, forests, streams and lakes, as well as beautiful deserts, plains and coastlines. This landscape includes the vast public lands - national parks and forests, wilderness areas and refuges, military bases, tribal lands, state and local public lands - and highly productive private lands. This landscape harbors a wide array of plant and animal life and nurtures a diverse population of people both physically and spiritually. The West's natural resource systems are a source of great wealth and beauty for the region, the nation and the world.

Westerners desire to create a region that will provide our children an extraordinary quality of life. This future embraces a shared sense of stewardship responsibility for our region's natural and cultural assets. It strives to ensure for present and future generations clean water and air, open lands that are beautiful, life-sustaining and productive, and proximity to public recreational opportunities. Equally important is an economy where people of any background or age have opportunities for education and high quality jobs and the ability to contribute to the well-being of their families and fellow citizens.

It must be clear that in implementing this vision, Westerners do not reject the goals and objectives of federal environmental laws, nor the appropriate role of federal regulation and enforcement as a tool to achieve those objectives. Westerners respect treaty rights, sovereignty, property rights and other legal rights, and recognize the responsibilities associated with those rights in addressing our common environmental challenges.

Our future includes a belief that we are better off if we can redirect energy away from polarized battles and toward solving our common problems. It is a vision of rebuilding trust, partnerships and community; of better understanding the cumulative effects of our actions; and of enhancing individual and collective environmental understanding and its associated stewardship. It includes individuals being able to pursue their objectives in ways that build community rather than disrupt it, and commitment to looking for win-win solutions sustainable over time.

2. During the 1990s, the Western Governors have experimented with a variety of ways to improve management of the environment of the West through collaborative processes. Valuable accomplishments have been achieved while lessons have been learned from development of the Park City Principles for Water Management, the High Plains Partnership, the Grand Canyon Visibility Transport Commission, The Oregon Plan for Salmon and Watersheds, the Texas Regional Water Supply Planning Process, Trails and Recreational Access for Alaska and the Wyoming Open Lands Initiative. These efforts have built on the collaborative process which has shown repeated promise, and have demonstrated that the environmental strategies that work best have strong commitment from state and local government, vested local support, and federal collaboration.
3. In summary, mindful of our rich Western heritage, recognizing the need to sustain a vibrant Western economy, convinced of the importance of protecting and enhancing the environment for the well-being of present and future generations, and acknowledging the benefits of

existing and new approaches to environmental management, Governors and other Westerners with diverse experience have agreed to the principles that follow.

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors commit to a new doctrine to guide natural resource and environmental policy development and decision-making in the West. The doctrine is based upon the principles below, each of which is dependent upon the others. The integration of these principles is critical to their interpretation and the success of the new doctrine.

National Standards, Neighborhood Solutions - Assign Responsibilities at the Right Level

There is full acknowledgment that there are environmental issues of national interest ranging from management of public lands to air and water quality protection. Public processes are used to identify and protect the collective values of the nation's public. No existing laws or identified legal rights and responsibilities are rejected. The role of the federal government is supported in passing laws that protect these values as well as setting national standards and objectives that identify the appropriate uses and levels of protection to be achieved. As the federal government sets national standards, they should consult with the states, tribes and local governments as well as other concerned stakeholders in order to access data and other important information. When environmental standards have not been historically within the federal jurisdiction, non-federal governments retain their standard setting and enforcing functions to ensure consideration of unique, local-level circumstances and to ensure community involvement.

With standards and objectives identified, there should be flexibility for non-federal governments to develop their own plans to achieve them, and to provide accountability. Plans that consider more localized ecological, economic, social and political factors can have the advantage of having more public support and involvement and therefore can reach national standards more efficiently and effectively.

Governments should reward innovation and take responsibility for achieving environmental goals. They should support this type of empowerment for any level of government that can demonstrate its ability to meet or exceed standards and goals through locally or regionally tailored plans. The federal government should support non-federal efforts in this regard with funds and technical assistance. In the event that no government or community is progressing toward specific place-based plans, the federal government should become more actively involved in meeting the standards.

Collaboration, Not Polarization - Use Collaborative Processes to Break Down Barriers and Find Solutions

The regulatory tools we have been relying on over the last quarter of a century are reaching the point of diminishing returns. In addition, environmental issues tend to be highly polarizing, leading to destructive battles that do not necessarily achieve environmental goals. Successful environmental policy implementation is best accomplished through balanced, open and inclusive approaches at the ground level, where interested stakeholders work together to formulate critical issue statements and develop locally based solutions to those issues. Collaborative approaches often result in greater satisfaction with outcomes and broader public support, and can increase the chances of involved parties staying committed over time to the

solution and its implementation. Additionally, collaborative mechanisms may save costs when compared with traditional means of policy development. Given the often local nature of collaborative processes, it may be necessary for public and private interests to provide resources to ensure these processes are transparent, have broad participation and are supported with good technical information.

Reward Results, Not Programs - Move to a Performance-Based System

A clean and safe environment will best be achieved when government actions are focused on outcomes, not programs, and when innovative approaches to achieving desired outcomes are rewarded. Federal, state and local policies should encourage "outside the box" thinking in the development of strategies to achieve desired outcomes. Solving problems rather than just complying with programs should be rewarded.

Science For Facts, Process for Priorities - Separate Subjective Choices from Objective Data Gathering

Environmental science is complex and uncertainties exist in most scientific findings. In addressing scientific uncertainties that underlie most environmental issues and decisions, competing interests usually point to scientific conclusions supporting their view and ignore or attack conflicting or insufficient information. This situation allows interests to hold polarized positions, and interferes with reconciling the problems at hand. It may also leave stakeholders in denial over readily perceived environmental problems. This in turn reduces public confidence and raises the stridency of debate. Critical, preventive steps may never be taken as a result, and this may lead to more costly environmental protection than would otherwise be required.

A better approach is to reach agreement on the underlying facts as well as the range of uncertainty surrounding the environmental question at hand before trying to frame the choices to be made. This approach should use a public, balanced and inclusive collaborative process and a range of respected scientists and peer-reviewed science. Such a process promotes quality assurance and quality control mechanisms to evaluate the credibility of scientific conclusions. It can also help stakeholders and decision-makers understand the underlying science and its limitations before decisions are made. If a collaborative process among the stakeholders does not resolve scientific disagreements, decision-makers must evaluate the differing scientific information and make the difficult policy choices. Decision-makers should use ongoing scientific monitoring information to adapt their management decisions as necessary.

Markets Before Mandates - Pursue Economic Incentives Whenever Appropriate

While most individuals, businesses, and institutions want to protect the environment and achieve desired environmental outcomes at the lowest cost to society, many environmental programs require the use of specific technologies and processes to achieve these outcomes. Reliance on the threat of enforcement action to force compliance with technology or process requirements may result in adequate environmental protection. However, market-based approaches and economic incentives often result in more efficient and cost-effective results and may lead to more rapid compliance. These approaches also reward environmental performance, promote economic health, encourage innovation and increase trust among government, industry and the public.

Change A Heart, Change A Nation - Environmental Understanding is Crucial

Governments at all levels can develop policies, programs and procedures for protecting the environment. Yet the success of these policies ultimately depends on the daily choices of our citizens. Beginning with the nation's youth, people need to understand their relationship with the environment. They need to understand the importance of sustaining and enhancing their surroundings for themselves and future generations. If we are able to achieve a healthy environment, it will be because citizens understand that a healthy environment is critical to the social and economic health of the nation. Government has a role in educating people about stewardship of natural resources. One important way for government to promote individual responsibility is by rewarding those who meet their stewardship responsibilities.

Recognition of Benefits and Costs - Make Sure All Decisions Affecting Infrastructure, Development and Environment are Fully Informed

The implementation of environmental policies and programs should be guided by an assessment of the costs and benefits of different options across the affected geographic range. To best understand opportunities for win-win solutions, cost and benefit assessments should look at life-cycle costs and economic externalities imposed on those who do not participate in key transactions. These assessments can illustrate the relative advantages of various methods of achieving common public goals. However, not all benefits and costs can be easily quantified or translated into dollars. There may be other non-economic factors such as equity within and across generations that should also be fully considered and integrated into every assessment of options. The assessment of options should consider all of the social, legal, economic and political factors while ensuring that neither quantitative nor qualitative factors dominate.

Solutions Transcend Political Boundaries - Use Appropriate Geographic Boundaries for Environmental Problems

Many of the environmental challenges in the West cross political and agency boundaries. For example, environmental management issues often fall within natural basins. These are often transboundary water or air sheds. Focusing on the natural boundaries of the problem helps identify the appropriate science, possible markets, cross-border issues, and the full range of affected interests and governments that should participate and facilitate solutions. Voluntary interstate strategies as well as other partnerships are important tools as well.

2. The Western Governors invite state, local and Native American leaders, environmental organizations, the private sector, Congress and the Administration to embrace these principles in their environmental and natural resources policy work and decision-making.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Western Governors' Association (WGA) shall transmit a copy of this resolution to the President; Vice President; the Council on Environmental Quality; the Administrator of the Environmental Protection Agency; the Secretaries of Interior, Energy, Transportation and Agriculture; the chairmen and ranking minority leaders of the relevant committees of Congress; the Western delegation to Congress; Western tribal leaders; state, municipal and county government associations; leaders of business associations and environmental institutions; and interested CEOs.

2. WGA shall incorporate these principles into its projects and activities in environmental and natural resources policy development and shall work with the states to identify specific areas where they have been demonstrated and adopted or may be in the future.
3. WGA shall communicate the commitment of the Governors to these principles to organizations, institutions and media concerned with environmental protection and natural resources management.
4. WGA shall report to the Governors annually on input received on the content of the Shared Doctrine for Environmental Management. In conjunction with its Enlibra Steering and Advisory Committees, WGA shall use its limited resources to promote the doctrine, and to engage and evaluate appropriate projects that seek to advance its principles. To carry out these activities, WGA will prepare an implementation plan as part of the annual work plan submitted to the Governors.

Originally adopted as Policy Resolution 98 - 001 in 1998.

Approval of a WGA resolution requires an affirmative vote of two-thirds of the Board of the Directors present at the meeting. Dissenting votes, if any, are indicated in the resolution. The Board of Directors is comprised of the governors of Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Northern Mariana Islands, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

All policy resolutions are posted on the WGA Web site www.westgov.org or you may request a copy by writing or calling:

Western Governors' Association
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Fax: (303) 534-7309

June 15, 1999

**ATLAS URANIUM MILL TAILINGS SITE CLEANUP
MEETING**

October 19, 1999, 1:00 - 5:00 pm

Utah Department of Environmental Quality
Building #2, Conference Room 101
168 North 1950 West
Salt Lake City, Utah

PROPOSED AGENDA

Objective: *Discuss how stakeholders can work together through the interim cleanup phase to achieve a final resolution to the reclamation of the Atlas uranium mill tailings site.*

Welcome

Introductions

Discussion of Objective

- Use of Enlibra Principles
- Consensus Process

Identification of Issues by Stakeholders

Agreed Upon Next Steps

Schedule Next Meeting - Time and Location

Atlas Uranium Mill Tailings Site Reclamation Meeting
List of Invitees

Councilmember Suzanne Mayberry
Grand County Council

Councilmember Kimberly Schappert
Grand County Council

Councilmember Kenneth D. Balantyne
Grand County Council

Councilmember Bart Leavitt
Grand County Council

Councilmember Al McLeod
Grand County Council

Councilmember Harvey Merrell
Grand County Council

Councilmember Frank Nelson
Grand County Council

David Hutchinson
Grand County Administrator

Mayor Karla Hancock
City of Moab

John T. Greeves, Director
Division of Waste Management
Nuclear Regulatory Commission

Joseph Holonich, Deputy Director
Division of Waste Management
Nuclear Regulatory Commission

John Summeier, Chief
Uranium Recovery Branch
Division of Waste Management
Nuclear Regulatory Commission

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Myron H. Fliegel
Uranium Recovery Branch
Division of Waste Management
Nuclear Regulatory Commission

Bill Hedden
Grand Canyon Trust

Cullen Battle
Fabian & Clendenin

John E. Cook, Regional Director
Rocky Mountain Region
National Park Service

Dan Kimball, Chief
Water Resources Division
National Park Service

Walt Dabney, Superintendent
Canyonlands National Park

Max Dodson
EPA Region VIII

Milton K. Lammering
EPA Region VIII

Mr. Thomas Farrell
Vice President and General Manager
DOE- East
Dames and Moore

Mr. Robert Baird
Rogers and Associates

Reed Harris
U.S. Fish and Wildlife Service

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Ronette Reisenberg
U.S. Fish and Wildlife Service

Fred Nelson
Utah Attorney General's Office

Gary King, Policy Advisor
Office of Assistant Secretary for Energy
US Department of Energy

The Honorable Robert Bennett
United States Senate

The Honorable Orrin Hatch
United States Senate

The Honorable Chris Cannon
United States House of Representatives

The Honorable Keele Johnson
Utah State House of Representatives

The Honorable Mike Dmitrich
Utah State Senate

Sylvia Barrett
Metropolitan Water District of
Southern California