



TOM O'HALLERAN

1ST DISTRICT, ARIZONA

October 8, 2019

Misael Cabrera, P.E., Director
Trevor Baggiore, Water Quality Division Director
Arizona Department of Environmental Quality
1110 West Washington Street Phoenix, AZ 85007

Mr. Cabrera and Mr. Baggiore,

It has come to my attention that the Arizona Department of Environmental Quality (ADEQ) is currently deliberating the renewal of the general Aquifer Protection Permit (APP) for the Canyon Uranium Mine, located south of Grand Canyon National Park on the Kaibab National Forest.

The ongoing, and apparently increasing, groundwater inflow at the Canyon Uranium Mine poses a significant threat to the groundwater and springs in the Grand Canyon region. I ask that your agency consider any issuance of the Mine's new permit accordingly. Any permit that involves potential for uranium contamination of this delicate and irreplaceable ecosystem must be conducted carefully and thoroughly. Such a process should include a public meeting, notice and comment period, and scientific safeguards through monitoring wells, preferably at the expense of the mining company, not the taxpayers of Arizona.

The Canyon Uranium Mine has been granted a general APP, rather than an individual APP, by your agency since the Mine's first approval about three decades ago. ADEQ and the Arizona Department of Health originally concluded the Mine would encounter little to no groundwater. However, we have since learned that the Mine has indeed encountered significant quantities of groundwater. Thus, a general APP is no longer appropriate.

Unlike individual APPs, general APPs assume the permitted operations are "common" and involve less public transparency and opportunity for public input. Further, the monitoring and reporting measures are voluntary, non-enforceable, and non-comprehensive.¹ In this case, the Canyon Uranium Mine's operations are certainly

¹ ". . . Instead of considering permit requests for such common and widespread activities on an individual basis, general permits ensure that the environment is protected from the effect of hundreds of such construction sites, grain elevators, or other "like" activities. . . when a facility or source seeks to operate under a general permit, there are limited opportunities for participation in the decision-making process. That is because any concerns about the environmental impact of a particular type of activity allowed under

uncommon and involve circumstances beyond what was foreseen when it was originally permitted in the 1980s.² Agency records show the Mine has taken on over 20 million gallons of water over the past six years, the majority of that volume occurring in increasing amounts in 2017 and 2018. As you know, water in a uranium mine—where once stabilized uranium ore is now exposed to oxygen and readily soluble—poses a significant threat to the environment. This is especially true where the hydrology beneath the mine potentially connects to the Grand Canyon and water supplies for my constituents, including the Havasupai Tribe.

Further, the Mine seems likely to continue to take on groundwater even after closure. If the Canyon Uranium Mine is allowed to commence ore removal, the introduction of additional ore to the mineshaft will present a worsened and perpetual contamination threat long after the Mine is closed and reclaimed. It is for this reason that comprehensive monitoring systems must also be put in place under an individual permit going forward.

It is of the utmost importance that ADEQ take a different approach by fully considering the best interests of the environment and public health in reviewing the Canyon Uranium Mine's permit status.

Thank you for your Agency's hard work and attention to this matter. I know you will pursue a process and decision that displays public transparency and appropriately addresses the realities at the Canyon Uranium Mine.

Sincerely,

A handwritten signature in blue ink that reads "Tom O'Halleran". The signature is written in a cursive style with a large, sweeping "T" and "O".

Tom O'Halleran
Member of Congress

general permits were addressed during the rulemaking process that initially created the general permit," available at <https://legacy.azdeq.gov/function/permits/general.html#ground>.

² Correspondence. Canyon Mine. Arizona Department of Environmental Quality (ADEQ) Inventory Number 100333. RE: Canyon Mine, Energy Fuels Nuclear, available at https://www.grandcanyontrust.org/sites/default/files/documents/Canyon_Mine_Groundwater_Memo_1986.pdf