

EPA questions waste disposal in tailings pond

By Eric Frankowski

The Daily Record News Group

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CACON CITY - Although its regulatory oversight of uranium mills is limited, "serious questions" by the Environmental Protection Agency about the Cotter Corp.'s Cacon City operation could doom one of two company proposals to dispose of Superfund waste in its tailings ponds.

In a Sept. 13 letter to state health officials, Wanda Taunton, the regional director of the EPA's Solid and Hazardous Waste Program, cited "a number of questions and concerns" about the mill. Her six-page letter highlighted problems such as leaky tanks, spills, lack of protocols to track and manage radioactive materials and safety violations.

The Nuclear Regulatory Commission, through the state health department, is mostly responsible for regulating Cotter's uranium-processing operations. The EPA, however, does have a say over the shipment of Superfund waste, under its so-called "off-site rule," when it is transported from one site to another.

The agency approved Cotter's request to use its tailings ponds to directly dispose of - without any processing - contaminated soil such as the radioactive thorium tailings from the Maywood Superfund site in northern New Jersey.

But in July, Cotter also asked EPA to declare three of its ore storage pads and its chemical circuits as acceptable for actually processing Superfund waste - in this case, 35,000 tons of uranium-tainted soil from the contaminated Li Tungsten site in Long Island, N.Y.

And according to Taunton, until the EPA's concerns are resolved, the agency cannot sign off on those plans.

EPA's main concerns with Cotter revolve around three main issues: hazardous chemicals possibly contaminating the company's tailings ponds, insufficient warranties for the mill's eventual cleanup and on-site environmental contamination.

The EPA is concerned about hazardous materials because they could jeopardize the future decommissioning of the mill. When that happens - likely not for several decades - the Department of Energy is scheduled to become the custodian of the site. But DOE may be unwilling to accept that role if the facility is contaminated with chemical hazards

Don Lee takes a water sample for pH testing from a tailings impoundment at Cotter Corp. in Cañon City recently. Times-Call/ Jeff Haller

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other than the radioactive soil it has authority over.

"EPA is concerned with the lack of an adequate system for managing radioactive materials at the facility because it brings into question whether there has already been inappropriate disposal ... in the impoundments," Taunton wrote. She cited, for example, a state report noting that Cotter had dumped cleanup of contamination from other parts of the mill into its tailings ponds.

Similarly, Taunton voiced alarm about 3,120 drums of calcium fluoride stored at the mill. The material, a byproduct of manufacturing uranium hexafluoride for enrichment into nuclear fuel, arrived at Cotter in 52 shipments over a nine-month period beginning in March 2000.

"Since completion of the shipments 17 months ago," Taunton said, "the drums have been stored on the site, and Cotter has not yet developed a method for processing them. In fact, (the state radiation services lab) has reported that Cotter is not able to open the drums.

"EPA is concerned that this situation raises the question of whether Cotter has demonstrated the ability to manage and process these materials safely."

Not only could the drums lead to problems with turning the mill over to the DOE, but they also bring into question whether Cotter has bonded enough money to cleanup the mill when it closes.

"If these drums were still present at closure, they may need to be sent to another facility at a cost that would significantly tax the warranty," Taunton's letter said.

The final issue troubling the EPA involved the mill's environmental record.

During a June 5 site inspection, according to Taunton, state and EPA officials "observed that liquids were seeping from the wooden leaching vats in the mill processing circuit and that these liquids were likely entering the ground through cracks in the deteriorated concrete pads on which they stand."

With the unprocessed drums and leaky tanks in mind, Taunton concluded that the Li Tungsten waste "could be stored on the site for a long period of time and that chances of releases to the air or ground water could be high."

According to Ed Als, a remedial project manager for the EPA's Region 2 office in New York City, the agency has determined that the so-called Li Tungsten material shouldn't be regulated as a hazardous waste.

"I would certainly characterize it as low level," he said. "What we have out there ... ranges from 30 to 50 picocuries per gram, and up to hundreds of picocuries per gram in several places, but we don't have anything hotter than that."

The Li Tungsten site also has heavy metal contamination. According to Als, three out of around five dozen soil samples failed the toxicity test for lead.

"That means the area where the material is over the standard is compromised, so it might have to go to a different facility," Als said.

The remainder of the material, however, is appropriate for any facility authorized to accept uranium tailings. The EPA's responsibility, Als said, is in making sure the site is cleaned up on schedule, not which specific waste facility the material goes to.

"We basically tell the PRPs (potentially responsible parties) to get rid of the stuff," he said. "They tell us where they're going to send it and then we check with the agencies there to make sure there are no problems and sign off on the plans to ship it."

Because the Region 8 office of the EPA in Denver has problems with Cotter, however, receipt of the Li Tungsten waste is on hold, and it may actually end up somewhere else.

"We have private parties here that basically want to wait for Cotter to get its approval, but we have a problem with that," said Als. "We're sitting around waiting too long. We want the stuff cleaned up."

"We care where it goes, but we don't like being in limbo."

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