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NORTHEAST CHURCH ROCK MINE REMOVAL

PUBLIC MEETING

CHURCH ROCK CHAPTER

AUGUST 25, 2009

1 MR. GARCIA-BAKARICH: Good evening everyone.
2 I'd like to thank you all for coming. My name is Luis
3 Garcia. I'm with the U. S. Environmental Protection Agency.
4 I'm the Community Involvement Coordinator, based in San
5 Francisco, California.

6 I'd like to start this evening's meeting on the --
7 about the Northeast Church Rock Mine Environmental
8 Engineering Evaluation and Cost Analysis Document, which the
9 EPA in San Francisco has prepared. A couple of really quick
10 housekeeping things.

11 We have sign-in sheets in the back of the room. I hope
12 that you will all have had the opportunity to please sign
13 in. It's important for our records so that as we document
14 the comments that you supply to you, we know how to spell
15 your name and we know who you are, and then we can also
16 include you in future outreach in response to public
17 comments.

18 The restrooms are back over there (indicating) in
19 the back of the room. In the back of the room we have some
20 refreshments, so can you feel free to make a sandwich, have
21 some fruit, have some juice, some water, and so that's kind
22 of some of the basic housekeeping stuff.

23 Tonight's meeting will be recorded,. We are having
24 a court reporter, Justine, is here, and since she's going to
25 be typing all evening long, we need to be sensitive to the

1 fact that she's going to need some periodic breaks and
2 Justine how often do you think you can go?

3 THE COURT REPORTER: About an hour and a
4 half.

5 MR. GARCIA-BAKARICH: About an hour and a
6 half. Okay. So it's about 6:30 right now. So we are going
7 to positively take a break at 8:00 o'clock to give her a
8 rest. If she needs to take a break, before that, she'll let
9 us know. So it's not that we're not -- and we then we will
10 resume, and we will stay here to hear all of your comments,
11 so if we do need to take a break so she can rest her fingers
12 and get a drink of water from the facilities, we'll respect
13 that, and because she has a very important role here
14 tonight,.

15 I would like to now oh, I'm sorry.

16 Also in the back, we have Rose gram, and Rose is
17 able to provide Navajo interpretation for people who are
18 mostly speak Dine. And so, if you know, need to be close to
19 Rose if you want to get the interpretation.

20 And I think now I'd like to have the opportunity
21 for my colleagues from the EPA in San Francisco to introduce
22 themselves. We'll start with up here.

23 MR. TANDY: Good afternoon. My name is Clancy
24 Tandy. I'm the assistant direct of the Super Funds Division
25 in EPA.

1 MR. BAIN: Good evening. I'm Andy Bain. I'm
2 the Regional Project Manger for the Northeast Church Rock
3 Mine Site. Good to be here.

4 MS. ROSETTI: Good evening. I'm Leona
5 Rosetti. I'm the Community Involvement Coordinator with Luis
6 with the US EPA.

7 MR. CARR: Hello. I'm Harrison Carr. I'm
8 with the legal office for the EPA in San Francisco.

9 MS. WILLIAMS: I'm Laurie Williams. I'm also
10 an attorney for the U. S. EPA. I've been here for 21 years
11 but I'm relatively new to this project.

12 MR. GARCIA-BAKARICH: And I so I would also
13 like to provide the opportunity for folks from the Navajo
14 Nation to identify themselves, if you will.

15 MS. MALONE: I'm Diane Malone from Navajo
16 EPA.

17 MS. WHITE: I'm Freida White with the Navajo
18 EPA, Super Funds Office.

19 MS. DINEYAZHE: Hi. I'm Michelle Dineyazhe
20 with Navajo Nation Super Funds Office.

21 MS. LANE: Hi, everyone. My name is Lillie
22 Lane. I work with Navajo Nation EPA.

23 MR. BROWN: And Gerald Brown. I'm with Navajo
24 EPA.

25 MR. TAYLOR: And from Navajo Department of

1 Justice, my name is David Taylor.

2 MR. GARCIA-BAKARICH: All right, and is there
3 anybody else who would like to identify themselves for the
4 benefit of -- we actually -- we do have some parties from
5 Region 6.

6 MR. WILLIAMS: I'm Don Williams. I'm Deputy
7 Branch Chief for the Super Funds Remedial Program the EPA
8 office in Dallas.

9 MR. KERNN: Hi. I'm Jason Kernn. I'm the CIC
10 from the Dallas Region 6 Office Super Funds.

11 MR. McALISTER: Randy McAlister, U. S. C.

12 MR. GARCIA-BAKARICH: All right. Any
13 community organizations that we have here this evening who
14 would like to identify themselves for the record?

15 MS. PADILLA: My name is Nadine Padilla. I'm
16 with the Multi Cultural Alliance.

17 MR. NEZ: Teddy Nez with Red Water Pond Road.

18 MS. MARTINEZ: Sylvia Martinez with the
19 Southwest community -- with the Southwest Information Center.

20 MR. BOOMER: John Boomer with Blue Water
21 Valley Alliance.

22 MR. WALTER: Joey Walter from Milan I'm
23 studying mining issues and contamination and the residents'
24 health. Thank you.

25 MR. GARCIA-BAKARICH: All right. Does anybody

1 else who would just like to identify themselves for everybody
2 else? Okay. Great.

3 Well, I think that with that, we have -- I'll just
4 kind of go over my agenda very briefly. We have a
5 presentation by Andy Bain about the Engineering Evaluation
6 and Cost Analysis. We'll have the opportunity kind of
7 through the presentation. If you have questions, please
8 raise your hand, and we'll try to get to those as quickly as
9 we can.

10 And I think that with that, we have -- I'll just
11 kind of go over to my agenda, and then we'll have a
12 presentation by Andy Bain about the Engineering Evaluation
13 and Cost Analysis. We'll have the opportunity kind of
14 through the presentation -- if you have questions, please
15 raise your hand and we'll try to get to those as quickly as
16 we can.

17 And then we'll have the opportunity afterwards to
18 answer any clarifying questions, and then following that, we
19 would like to just open the floor to everybody here to supply
20 -- provide comments for the record in relation to the
21 Engineering Evaluation Cost Analysis plan. So, with that,
22 I'll hand it over to Andy.

23 MR. BAIN: Thank you, Luis, and thank you
24 everybody for coming out tonight. I know that there's a lot
25 of interest in the Northeast Church Rock Mine site seeing

1 progress on the site.

2 We certainly have some progress to report in terms
3 of some of work going on right now, but also look forward to
4 seeing progress on the rest of the mine site throughout this
5 involvement progress. Just talking with Luis, he referred to
6 the Engineering Evaluation Cost Analysis, or EE/CA for short,
7 which is part of what we call a non-time critical removal
8 action.

9 So, again, my name is Andy Bain. My parents are of
10 Scottish origin, and so we have clans, too. And my father is
11 from Iowa. My mother is from southern California. I was
12 born in north California around Cheeko, and currently live in
13 the Bay Area.

14 So, the purpose of tonight's meeting, as Luis
15 mentioned, is that we're proposing a clean up action for the
16 balance of the northeast Church Rock Mine site in terms of
17 soil and sediments from the site only.

18 I have been working with the Navajo Nation in terms
19 of abandoned uranium mines for about the last nine years.
20 We've identified about 520 abandoned uranium mines throughout
21 the Navajo Nation.

22 We put together an atlas identifying where all
23 those are, and we distributed copies of that atlas with our
24 Navajo agency counterparts, with the local chapters and
25 provided knowledge, worked closely with Navajo EPA to

1 prioritize which other sites actions that would take place in
2 the near term.

3 So I'll pause every once in a while so Rose can
4 catch up. Okay.

5 So, the next slide we're here to talk about the
6 EE/CA, Engineering Evaluation and Cost Analysis. So it's a
7 document that provides a summary and history of the mine
8 site,. It provides the information where we had UNC collect
9 with the extent of contamination, and then it provides
10 alternatives that EPA studied to address -- it addresses the
11 site along with EPA's preferred alternative. We also want to
12 mention there was interim removal action work that started
13 last week at the area on reservation that's beyond the
14 footprint of the mine site.

15 The public comment period, I think as Luis
16 mentioned, extends through September 9. So if you can hand
17 in your comments tonight, or verbal comment, or mail it in
18 many they are post marked by September 9, that would be
19 great. We did extend our public comments. We listened to
20 the request for extended public comments, so we did so for 60
21 days additional comment period to allow for additional public
22 involvement. We added this meeting tonight to meet those
23 needs.

24 We did some removal work at the Northeast Church
25 Rock Mine Site just around the immediate vicinity of some of

1 the homes in 2007. There were four residents that were
2 cleaned up. As I mentioned, we have an interim removal
3 action that we're overseeing. Next slide.

4 So, in terms of problems at the site, that is our
5 highest priority mine site for the Navajo Nation and for U.S.
6 EPA within the context of the abandoned uranium mines. The
7 mine site pertinent areas and the areas on reservation that's
8 been contaminated by the sites represented by 155 acres,
9 which is roughly 870,000 cubic yards of uranium waste
10 material. That's above will be cleared at a safe rubble, and
11 the site poses as no risk if EPA does make sure that
12 something is done by cleaning up the waste.

13 UNC operated the mine from roughly 1969 through
14 1982. The ore body where the mine is from, is about 18
15 hundred feet below the surface, so our underground uranium
16 mine at rest. And problems here are that some of the waste
17 material migrated off the mine site, which is fenced
18 currently in the areas where people live and raise
19 livestock. So EPA is determined that the scope of this
20 problem warrants a removal action.

21 So, it is just a busy map, but I just want to point
22 out that there are a lot of areas concerned the 14 areas
23 concerned throughout the site. The work that we're talking
24 about doing this summer is in the step-out area, we call it.
25 And along that arroyo and some work on the NCR one waste pile

1 to make sure that erosion doesn't continue to -- keep the
2 materials migrate on to the mine site.

3 So the rest of the mine site is 125 acres here. We
4 basically include the entire mine site as elevated radium,
5 which is a map. It's a naturally occurring earth metal that
6 is radioactive.

7 And one of the other things to point out on this
8 map is Red Water Pond Road used to be the Kerr McGee -- forms
9 the eastern boundary of the area that we investigated. We
10 aren't having United Nuclear use additional characterizations
11 this summer of Red Water Pond Road, and we believe there's
12 probably some additional areas beyond Red Water Pond Road
13 that need to be further investigated. But for now, this
14 EE/CA just references soils and sediments from the mine
15 site.

16 And one of the thing to point out, there's a well
17 on the mine site that's -- that extended down into the lower
18 body of the water. You draw the water out and it was drying
19 out the mine. Those waters were flowed into Ponds One and
20 Two, and then into Pond Three before they are actually
21 discharged into the main arroyo where the sediments in the
22 unnamed arroyo become contaminated.

23 UNIDENTIFIED WITNESS: May I ask? May I ask
24 how far is the site from here?

25 MR. BAIN: How far is the site from here? The

1 mine site is roughly ten miles to the north. So if you take
2 Route 566, which you enter from Interstate 40, it's at the
3 very end of the road. So this is -- the reason why this
4 site is a priority is it's very close to 14 homes.

5 Probably two hundred people lives in the near
6 vicinity of the NCR mine site, and of the mile site. There
7 are multiple chapters there that are involved here. There's
8 let's see in I get there right there are five chapter area
9 Pinedale, Church Rock, Nahodishgish, and Standing rock. I
10 think Standing Rock. Did I get that right? All right.

11 So the NCR mine site is on tribal trust land.
12 That's the reason why the EPA of San Francisco office got
13 involved. We have an agreement with our counterparts in the
14 Dallas Office, as well as talked to Denver office for Region
15 Nine, San Francisco, to work closely with the Navajo Nation.
16 That's the reason why across the street where the UNC mill
17 site is, the Region Six was responsible for that's on private
18 land.

19 In this photo, you can see some of work that EPA
20 did in 2007 excavating soils around the immediate vicinity of
21 the homes and brought in clean fill after we provided
22 confirmation to make sure we got it all. And that was just
23 another two of half acre around each of the structures that
24 were out there. The materials was taken off site to an off
25 site disposal facility. And then materials were brought in.

1 Here's a view of, an aerial view looking to the
2 southwest of -- including both the Northeast Church Rock Mine
3 and the UNC Mine. You see the outlines.

4 So, the NCR mine, you can see the waste piles in
5 this picture. The thing I wanted to point out, too, is
6 there's down in the arroyo that runs along this ridge,
7 against this ridge, and it drops into a second unnamed
8 arroyo, which goes down into Five Point Canyon Arroyo before
9 it runs past the UNC mill site.

10 The rest of the mine site. You know those other
11 pictures that I showed you on the other map. The residences
12 are in this immediate area, Red Water Pond Road, comes down
13 joins Route 566. This is the end of Route 566, which then
14 heads south down into I-40.

15 And then you can also note -- the location of the
16 UNC Super Funds site, the mill site, and you can see where
17 the radian tailings are disposed. Those are referred to as
18 tailing cells, and that's where the mill process uranium, had
19 left over radium, concentrated sands. In those areas will be
20 under permanent care by the U. S. government with an
21 arrangement with United Nuclear Corporation.

22 Next slide.

23 So, why is it taking so long? Well, the EPA was
24 asked to take the lead in 2005. And prior to that, the State
25 of New Mexico Mining and Minerals Division under the New

1 Mexico Mining Act. They were doing a reclamation action
2 citing the Navajo Nation was not satisfied with the -- stated
3 that reclamation work stated that the mine site was actually
4 on tribal trust lands, and therefore, Navajo Nation appealed
5 to Region Nine EPA to take the lead on the site.

6 The EPA ordered the United Nuclear to conduct an
7 investigation of the soils that were started in the fall of
8 2006.

9 EPA decided that there was a need for emergency
10 time critical removal action around those homes in 2007, and
11 that was when we also temporarily housed some of the families
12 that were going back with the work. And more recently, EPA
13 has developed this EE/CA report to document the various
14 options to clean up the site.

15 The United Nuclear Corporation is a company that is
16 owned by General Electric, who is the responsible party who
17 will do the work out here. And you know, I just want to also
18 mention that again, the work that started this summer, it was
19 just to the northern edge of the area impacted by the mine
20 site, and that's what we refer to the interim removal
21 action. It was a time critical removal action.

22 MS. BENALLY: When did the removal start?

23 MR. BAIN: The question is: When did this
24 work start?

25 MS. BENALLY: Yes.

1 MR. BAIN: So EPA started with the work in
2 2005.

3 MS. BENALLY: The clean up is what I'm talking
4 about.

5 MR. BAIN: The clean up work, we started last
6 week.

7 MS. BENALLY: Okay. You said the summer,
8 right? I thought it was further back. You've only been here
9 a couple of weeks. I drive by there everyday, and I want to
10 be -- make it clear that I've only seen your people out there
11 probably one big time. Don't say summer because it's not
12 past summer. It was just last week.

13 MR. BAIN: Yes, that's correct. United
14 Nuclear, under EPA's oversight, mobilized --

15 MS. BENALLY: I want to make that correction.

16 MR. BAIN: They mobilized work last week, but
17 EPA did work in 2007, as well. I'm not sure if you notice
18 that work.

19 MS. BENALLY: I drive by this everyday so I
20 know.

21 MR. BAIN: Okay. So you know work that is
22 done as well.

23 MS. BENALLY: Yeah, but you guys didn't do too
24 much work then.

25 MR. BAIN: Right. Right. We did a half an

1 acre. Thank you. So, next slide.

2 So in terms of what EPA investigated, or we had UNC
3 investigate was again comments of soil investigation. We
4 didn't look at ground water at all. That's on the table for
5 the time being. But we are recommending that there be some
6 additional look at ground water at the site.

7 We identified 14 areas of concern that were
8 impacted by radium, and we did take 25 background samples.
9 That's where we looked for the natural normal levels of
10 radium that occur in the area.

11 So the same geology of the site -- at the site, but
12 areas that were upwind and upstream of what would have been
13 impacted by the mine site.

14 Twenty-five samples were taken from there. An
15 average -- the measurement was determined was one pico Currie
16 per gram of radium. That's a measure of radioactivity of
17 that radium.

18 And normally, the radioactive ores, these is
19 naturally occurring condition. Radium is a product that's a
20 decaying power of uranium, the radium breaks down and it
21 create things like radium and radon, some unstable forms of
22 lead and other metals.

23 So there are certain things that cause risks to
24 people. So we found that radium was the most significant
25 risk from the site, and you know what we determined was what

1 were the ways that that radium was a risk to the people
2 living nearby.

3 So, normally when the ore is well underground, it
4 doesn't present a problem, but when the ore is brought to the
5 surface, you know, the cares are the most valuable product is
6 the most -- the most active uranium, which is a side product
7 off the site. So that was taken off, and the remaining
8 wastes were still left on site when they have been able to
9 grow and run off from the mine site where any kind of problem
10 for people living nearby. Quick question.

11 MR. NEZ: Yes. Teddy Nez from Red Water Pond
12 Road.

13 You mentioned there's radium testing that you guys
14 did. Do you have the report in hand to show use the type of
15 tests that you did on human health?

16 MR. BAIN: Did I bring a copy of the results
17 of what--

18 THE WITNESS: Yes, sir.

19 MR. BAIN: I don't have it with me tonight,
20 but if you're interested in it, we'll make a copy of that and
21 mail it. You probably have a copy of it. But we have it on
22 the website, as well. And it's in the public libraries,
23 Gallup Public Library and the Navajo Nation Library. But if
24 there a point where you would like me to --

25 MR. NEZ: I seen -- I seen number of it, yes,

1 but you're saying that each of the human health interest. My
2 question is: Did you do a health study? And we would like
3 to see that data from human health.

4 MR. BAIN: Well, the quick answer is no, EPA
5 did not do a health study. We did do a health risk
6 assessment, and we worked with other agencies to do health
7 studies. But that's not our mission. But we can entertain
8 that question further during the question comment period if
9 you would like. But if I could continue to do my
10 presentation. We're going do get to that to answer your
11 question more fully.

12 MS. BENALLY: I have one -- Annie Benally. I
13 have one question. What I would like to see is where you got
14 those environmental testing that you took, and what -- is it
15 around the mine area or surrounding somewhere else? Can you
16 supply us with --

17 MR. BAIN: I've got a map that shows all the
18 samples that were taken.

19 MS. BENALLY: And numbers and everything else
20 to show what's normal and what's not, because I live further
21 back up from the mines, and my area, they say is normal, but
22 my area is not normal. I've lived there for 50-plus years
23 and I'm still effected by it. Whether you say no, I say
24 yes. And that's why I want to see where you got those
25 samples from.

1 MR. BAIN: Okay. All right. I can appreciate
2 your concern and --

3 MS. BENALLY: And I have livestock that go
4 around there. I have cattle, and your concern is just in
5 that one area, but cattle don't know what boundary lines are.
6 They go wherever they want to.

7 MR. BAIN: Okay. Well, I'll show a map soon
8 that shows the area that we've looked. One of the things I
9 mentioned earlier. We did stop at a couple of different
10 junctures, and there may be the need for additional
11 investigation further out, including the area around the Kerr
12 McGee mine site. Thank you.

13 So again, so we were just looking at surface and
14 near surface sediments from the Northeast Church Rock mine
15 site for the time. And you know, this picture you can see
16 several people out here. These are a couple of UNC
17 contractors. They're out at the site this week doing
18 additional delineation or boundary determination of where the
19 interim removal action work may occur this summer.

20 And then was somebody from Navajo EPA, Jerry Begay,
21 and they've got a radiation detector in hand, so a meter with
22 a shield on it. It weighs about 30 pounds. It looks
23 straight down the ground, and they got a good reading of the
24 gamma radiation that's coming off the earth when we did this
25 report.

1 In addition to this investigation, soil samples
2 were taken and analyzed in the laboratory off site. And so
3 there were more than 400 soil samples taken from the surface,
4 near surface and arroyo. And then more than nine hundred of
5 these particular samples were taken off the site.

6 And the next slide, please.

7 So here's a map and hopefully, you can see this
8 angle. The area that's in light green indicate the
9 boundaries of the mine site, which are the areas that we
10 consider at a protective level, so EPA uses a risk based
11 approach to consider what the incremental, or the extra risk
12 from cancer would be from exposure to radium, in particular.
13 That's the highest risk from post in site, and then we've
14 used that number what we call the field screen level, and
15 then, you know, we looked at everything that was above that.

16 So that screen level was set at value of 2.24 pico
17 Curies per gram of radium, radium active radium and that
18 corresponds to a range of extra cases of cancer that might
19 occur from a lifetime exposure to the radium.

20 So if I may, you can see some of the homesites
21 where we took samples in 2006. We determined that the homes
22 that were on the opposite side of the ridge, up above the
23 unnamed arroyo were all below that field screen level, point
24 24.

25 But there were several homes within the shadow of

1 the Northeast Church Rock mine that were not okay. So those
2 are the areas that we took action in, and those were just
3 limited to that area. Those were the areas that people would
4 spend the most time, and would, you know, in doing the work
5 right away, we would reduce the risk posed while we
6 continuing our studies for the rest of the mine site.

7 But the whole goal of this clean up is to address
8 things like residents living near the sites, and their
9 livestock, and collection of plants and any ways that would
10 conceivably present a health risk to people living nearby.
11 We did do some, you know, we did these extra studies on up
12 the canyon slightly. We didn't see levels that were above
13 the level of concern. But if, you know, at some point you
14 feel like your area had not been adequately assessed, perhaps
15 you can work with our counterparts, the Navajo EPA and take a
16 closer look, because we're not perfect, and we want to make
17 sure that we are being thorough in that work. So can I just
18 show --

19 THE WITNESS: Andy. Okay. Now can you put
20 that in plain English well, I'm not a geologist. I'm not a
21 biologist,. So your kilogram, milligram, whatever, means
22 nothing to me. Okay. Now put it in plain English.

23 MR. BAIN: Thank you for asking that
24 question.

25 Now the measure of radioactivity is expressed by

1 this pico Curie. Curie is the measure of the amount of, I
2 think it's the amount of particles that are shot out of the
3 atom, that's part of natural decay or break down of metal.

4 THE WITNESS: I don't think -- I don't think
5 you know what you're talking about.

6 MR. BAIN: The radium is -- radioactivity is
7 something that spews out -- naturally spews out particles
8 from it. And we can measure that with these detectors that I
9 showed you in the previous picture. And pico means -- I
10 think it means like a billion or trillion of these ejections
11 that happen from the atom that we're measuring.

12 So it's basically a measure of radioactivity, and
13 if at some point you would like a little more information on
14 that, we can provide a similar --

15 MS. BENALLY: Yeah, it's a good time to go to
16 library and read about it.

17 MR. BAIN: So quickly on this map, it's
18 curious to know, we've got the purple in the center of site
19 and we primarily concentrated in the ponds where the water
20 was drawn out, and that was treated before it was discharged
21 into the unnamed arroyo, and the sediment has because these
22 are the highest area of contamination, the purple areas
23 represent that's the 25 percent. And we had I think the
24 maximum of amount of radium that we detected on site was 875
25 of pico Curie per gram, and again, that's compared to

1 background, which was one pico Curie per gram.

2 Mr. Nez, quick question?

3 MR. NEZ: Yes. You're telling us one thing,
4 and then you're showing another thing. The reason why I'm
5 saying that is there's a database available, 2004 and 2006
6 that says otherwise. Right now, you're showing that there's
7 no high reading, about 2.4. Everything is at 2.4 on the same
8 type of soil testing that has been done, it tells us that
9 some of those places are 6 to 15 higher than background. So
10 that's why I'm saying that what you're showing us and then
11 what you have published is two different things. So which one
12 is right?

13 MR. BAIN: Well, Teddy, again, if we could
14 explain. This is a simplified map showing all the samples
15 that were taken. Now, there are specific areas that you have
16 detailed maps. That are presented in the removal site
17 evaluation report, as well as the EE/CA document itself.
18 This is just something that we want to show on a single map
19 to give you a picture of the areas that are contaminated.

20 So this is just to show that they are virtually
21 higher site of contamination on it, and there is a work to be
22 done. Luis, did you want to add?

23 MR. GARCIA-BAKARICH: Well, I just wanted to
24 add just to clarify what Mr. Bain was talking about was the
25 perimeter of the site.

1 This map up here does show that there are -- there
2 were samples that were taken that exceeded 50, but those
3 would be found in the middle of the site and in other parts.
4 So this does not -- this representation up here does not say
5 that everything is okay. The point was along boundaries --
6 boundaries of it, things are within the acceptable range.
7 But in the middle of it, there is definitely contamination
8 that needs to be addressed.

9 MR. BAIN: Thanks, Luis.

10 So the other concern that we screen for in this
11 area is in the grand middle valley. There are other elements
12 from the earth, including uranium. So we look at all those
13 as well, all those fell within our protective risk range that
14 EPA considers when evaluating the risks posed by site
15 contaminates.

16 So I think some of what people are interested in
17 knowing is how does the contamination potentially harm your
18 health? What I mentioned to Mr. Nez earlier is that EPA is
19 not charged with doing health studies, but we are very
20 interested in seeing those health studies are done by our
21 counterparts in the health profession.

22 I know with folks and specificity -- and others
23 that we have been able to get the ear of other federal
24 agencies and academic institutions like the University of New
25 Mexico, Southwest Research Information Center that do health

1 studies.

2 But EPA's primary tool to set up a clean up level
3 is to do what's called a risk assessment. A risk assessment
4 is merely a prediction of the possible risks to people's
5 health. It's not saying definitively that somebody will get
6 cancer from exposure to the site. We just don't have that
7 ability to predict. But we set the risk assessment as a part
8 of our decision making process to count for uncertainty,
9 because we don't know everything. But hopefully, being safe
10 and setting a protective level, we'll get the majority of
11 materials out.

12 So some of the things that we have done, we have
13 coming to the Navajo Nation and in particular, the Northeast
14 Church Rock site where we interviewed some of the families
15 that live close to mine site to find out what their practices
16 were, what the cultural practices were, what the cultural
17 practices were, things like consumption of meat and consuming
18 the entire animals, as opposed to just the muscle tissue is
19 different than how the risk assessment might be in another
20 site in the United States.

21 So we look at things like land use and some other
22 practices, based on the mine site. We know that the mine
23 site is in a grazing permit area. So the Navajo Nation told
24 us that a long term plan for the sites should be grazing, so
25 that means that we need to achieve a very productive level at

1 the site. And there's potential for people to build homes
2 out there.

3 Same is true off site where in grazing, you know,
4 the cattle and sheep, roam pretty freely, so you know, there
5 are really problems with livestock got on to a mine site, and
6 ate plants or drank water from the ponds that have these
7 materials.

8 So, the additional things you mentioned are as part
9 of risk assessment that are considered where people drink the
10 water. Indian Health Service informed us that everybody has
11 a water line connected to their homes. We know that there are
12 agriculture wells in the area. We know there's the
13 friendship wells, and that's the problem with the -- you
14 know, we try to maintain individuals of that area not be
15 current threat to people from mine site.

16 So, we consider the way people come into contact
17 with materials, we look at like surface soils and sediments
18 and with plants and animals that we absorb or accumulate the
19 materials, the radium. And then we look at the scenario. We
20 look at ways that that some of might come into contact with
21 it, including the external radiation, so the material that
22 comes off these atoms can penetrate your body, but it can
23 also, you breathe into your lungs, where it can cause lung
24 cancer. So we look at those what we call pathways, those
25 ways that come into bodies. And then we pack all that into

1 our investigations. Yes, sir?

2 MR. HOOD: Tony Hood. This is my
3 granddaughter, Desiree. She asked me a question earlier in
4 Dine. Are we living in a safe spot?

5 MR. BAIN: I'm not sure where your house is.

6 MR. HOOD: We live up above the ridge from
7 that unnamed arroyo.

8 MR. BAIN: So is it up in this area here?

9 MR. HOOD: No, it's right above there.

10 MR. BAIN: Because here's the arroyo and the
11 ridge.

12 MR. HOOD: Just west of that.

13 MR. BAIN: So we did sample your yard so there
14 are light green dots.

15 MR. HOOD: Is that in fact indisputable? Safe
16 level?

17 MR. BAIN: We feel that the levels that were
18 found there are protected.

19 MR. HOOD: Would you bet your life on it?

20 MR. BAIN: Pardon?

21 MR. HOOD: Would you bet your life on it?

22 MR. BAIN: Well, I'm not a great gambler. I
23 appreciate your concern to not want to know, is it safe, and
24 EPA considers the levels there safe.

25 MR. HOOD: You're saying that -- everybody's

1 throwing the word around incom -- comprehensive. I feel that
2 all the studies, the soil samplings isn't comprehensive
3 enough. That's what I think. You need to do more.

4 MR. BAIN: Okay.

5 MR. HOOD: We have children all the way from
6 here that we are concerned of. So I wish you would take that
7 into consideration.

8 MR. BAIN: Thank you, Mr. Hood. And again,
9 we'll be able to answer additional questions throughout the
10 presentation.

11 But again, our focus was just on the soils and
12 sediments from what we observe from the footprint of the mine
13 site, and we also recognize there are mines in the area that
14 present risks to people, and those are some of the areas that
15 we're looking into, including whether the Kerr McGee mine
16 site.

17 So, in terms of how EPA takes care of the risks
18 from the mine site, we're talking about proposed clean up
19 levels, there is a 2.24 pico Curie, the measure of the
20 radium, the radio activity from radon. And that's based on
21 the anticipated land use that people will -- once the mine
22 sites is cleaned up, people will be able to freely graze the
23 land, and then build homes on.

24 So in this sense, yes, it will be safe once the
25 work is done. It's not safe presently on the mine site. In

1 the area where the interim removal action is occurring right
2 now. Once the removal action is done that area should be
3 safe for the families in the immediate vicinity. If nothing
4 were done about it, we would have serious concerns about the
5 long term risks posed to people living there.

6 So, again when we take a look at things like
7 culture and livelihood as part of our risk assessment, in
8 setting the clean up problems, we look at the background of
9 the naturally occurring problem of them, and the one pico
10 Curie. The radioactivity we found upwind and upstream. Mine
11 site came from the same geology as what was on surface of the
12 mine site. We make sure that we can distinguish that from
13 the background.

14 We looked at the protective risk assessment. EPA
15 is charged with looking at a range of risks that would be
16 posed, you know, as we clean up the mine sites. So we need
17 to make sure that the mine sites are protected that meets our
18 standards for leaving the sites afterwards. And by taking
19 care of the radium, we will address all the other potential
20 hazards, including uranium, the arsenic, the valinium and
21 selenium. And then we come up with an engineering solution.
22 I mentioned the EE/CA where EPA uses the decision criteria.
23 We have things that we have to look at when we're considering
24 the options for the site. We use measures to figure out, is
25 this the right option for the problems at this site?

1 And we develop the alternatives that I'll show you
2 here. We evaluate the alternatives, compare them with one
3 another thing for doing anything. And then we recommend the
4 preferred alternatives. So you know, one of the points I
5 want to make is that EPA has not made a decision. We will
6 make that decision once we have considered the comments that
7 we receive from the community such as tonight's meeting and
8 where the people send us in the mail, or submit in written
9 form.

10 We'll respond to everybody's comments, and then
11 we'll make a decision on the cleaning up of the mine site in
12 the near future, and we will take action. So then the 2.24
13 number per radium, we considered as part of our evaluation
14 criteria the effectiveness of the relief. We consider is it
15 implementable, and is it feasible, and can we do it within a
16 time frame of -- in a way that we can achieve, tribal
17 concerns, as well as the community's concerns about the
18 problem. Then we have to consider costs.

19 MS. DINEYAZHE: So, I just have a quick
20 question. Is your 2.24 for the clean up level for the -- are
21 you also referring that to the mine site?

22 MR. BAIN: Well, for this EE/CA, because the
23 2.24 number is what we're proposing for the entire mine site,
24 so it happens to be the number for the clean up that we chose
25 for 2007, so that's a number that we close for the time

1 critical removal action that we're doing, which you referred
2 to the interim removal action, the step out of the area.

3 MS. PADILLA: Nadine Padilla. You mentioned
4 the one pico Curie. Was it based as base line for that area?
5 And then they were testing it at about 800 or 900.

6 MR. BAIN: That was passed.

7 MS. PADILLA: So what is the kind of safe
8 level, or what do you consider the barrium, whether it's okay
9 and whether it crosses the line?

10 MR. BAIN: Well, that's the 2.24 value that
11 represents what we --

12 MS. PADILLA: Only 2.2? So these are like
13 800?

14 MR. BAIN: Yeah, for instance, 800, four
15 hundred times that.

16 MS. PADILLA: If that's that much, why did it
17 take so long to get to this point, I wonder.

18 MR. BAIN: Well, part of the reason why it's
19 taking so long is it's a big site, and -- but you know,
20 taking some of the immediate action that we have, we
21 addressed the areas right around the homes, but we recognize
22 that, you know, kids and livestock, some of themselves have
23 neighbors whose -- but we did order UNC to solve a pretty
24 comprehensive plan around the mine site in the mean time. So
25 that's not a complete answer, but, you know, it is complex.

1 MS. PADILLA: Just a follow up question. So
2 in some of the options, it says that some of the higher
3 threat waste will be moved to a different facilities. What
4 is the number of the higher threat?

5 MR. BAIN: So we're considering 500 milligrams
6 per kilogram, so -- sorry, for the mumbo jumbo -- that's a
7 unit of the amount of metal radium.

8 MS. PADILLA: What is that in plain language,
9 pico Curie?

10 MR. BAIN: That's approximately 200 pico Curie
11 per gram.

12 MS. PADILLA: So it's still about 200 over
13 what you say?

14 MR. BAIN: That's about a hundred over what
15 the amount is, that's correct. So that's -- are you're
16 talking about principle threat ways. I'll get to that in a
17 second. Okay. So in terms of what's next, you know, we've
18 got another picture of removal work that we did in 2007. The
19 EPA has extended the public comment period to September 9.
20 That's six additional days to request. We added additional
21 meeting here.

22 Once we considered comments, we will issue a
23 decision in action memo. And then we will reach an agreement
24 with United Nuclear to conduct the water. There will be
25 technical planning, so part of the design work that we do at

1 the site, you know, we want close coordination with our other
2 agency counterparts to reach the best decision for the clean
3 up of the site. And then we'll start the clean up. So we're
4 anticipating that we'll release what's called a response
5 summary. So all the comments that we receive tonight and in
6 previous meetings and tonight, we will respond in writing,
7 and then we'll issue in action memo we anticipate early next
8 year. And then we'll have a negotiated a clean up agreement
9 with United Nuclear next year. We'll start the design work
10 next year, and then anticipate the final mine site clean up
11 if we choose the Preferred Alternative that we will mention
12 here in a second. It goes from 2001 to 2006. The reason for
13 that is it's a lot of material, and that's pretty extensive
14 clean up.

15 MR. KING: I have a question. I'm Larry
16 King. On your third bullet there, it says orders UNC. Is it
17 UNC that's paying, that's going to pay for the clean up? I
18 thought UNC was bought out by GE. Shouldn't that be GE? Or
19 does UNC have some reserved cash that they set aside? Are
20 they partners with GE, or why does UNC --

21 MR. BAIN: So as I mentioned, that GE is a
22 parent company of UNC.

23 MR. KING: So they're still a company?

24 MR. BAIN: That's the understanding that's the
25 relationship that we've had with the company. They remember

1 themselves as United Nuclear Corporation, which is a
2 subsidiary of GE. GE, I believe bought them in 1997. Okay.

3 Can I continue with the presentation?

4 I'm sorry. I'd like to really open it up to the
5 entire audience. I appreciate your interest to ask
6 questions, but I want to roll through that and then we'll
7 open it up. So -- next slide down.

8 The good news is EPA started oversight of the
9 interim removal action that UNC, GE is conducting, and that's
10 to address the areas that surround the most impacted portions
11 of the site that are on the reservation only. So this is
12 intended to be an area of project that will address the areas
13 and that's mine site that are --

14 So, you know this has been a problem and that's
15 good that it's happening this summer because it requires a
16 lot of close coordination with EPA and Navajo Nation to come
17 up with an assessment, and certainly it would do well with
18 the UNC to do the work. The words entails removing all the
19 soils from surrounding residences, the arroyo sand and the
20 clean up. So in some cases, the arroyo, they will be digging
21 down 17 feet.

22 So it will be a pretty significant, it's about 97
23 thousand cubic yards of soil by comparison 2007, EPA will go
24 about 2,000 cubic yards of soil. And so our work along the
25 lines of two months, Gene's work will take five months that

1 will roll into mid-December. He estimated cost of \$5,000.00
2 and EPA and Navajo EPA are providing oversight of the work.
3 Some of the aspects that you'll see there, there is regrading
4 of the NCR one waste pile, the big phase that is closet to
5 the residents, that is there and there wouldn't be any more
6 sheet material eroding over the mine site down into the
7 residents.

8 By the same light, there will be sediment base
9 constructive deep ponds that will be conducted near the arrow
10 site before it runs off with the mine site, another one over
11 by the -- that's close to the entrance. So those are
12 protection provisions. Again just as an interim action to
13 prevent recontaminating areas to be cleaned up in the summer
14 and fall. And then the way the ground work for the rest of
15 the mine site to clean up, which this EE/CA is intended to
16 address. Luis? Okay.

17 Next slide.

18 This is kind of a busy slide. Problem is you can't
19 see it. Luis had hand outs, so hopefully you could review it
20 and take it home with you. But these are all the
21 alternatives you will consider. I've been working closely
22 with our agency partners, you know, these are the options
23 that we developed, and they range from doing nothing, which
24 we're required by law to consider.

25 We considered taking it all away. Take it

1 completely off the Navajo Nation to an off site disposal
2 facility. We considered on site simple cap, double cover
3 without liner, Alternative 3. We also considered on site
4 cover with a liner, Alternative 4, and then we considered off
5 site at the UNC Super Fund site with a cap and with a liner,
6 where it would be fully encapsulated.

7 So you can see 3A, 3B, 4A, 4B and 5A are variations
8 on those basic options. And those are the ones that Nadine
9 was asking about threat waves or the higher level
10 radioactivity at the site would be taken away from the area
11 completely, either taken to the UNC mill site for disposal,
12 or taken to an off site disposal.

13 MS. PADILLA: What is number pico Currie is
14 that?

15 MR. BAIN: 200 pico Currie per gram.

16 MS. PADILLA: Over two hundred would be
17 considered principal threat waste, even though it's unsafe
18 for a level?

19 MR. BAIN: Well, again what we're doing with
20 the remedy is getting it out of the environment. We either
21 encapsulate it on site, look at all the options, or taking it
22 out of the area to another disposal site. But the idea was
23 to deal with hot spots, the areas that were significantly
24 higher, treat those in a different manner. So it would be
25 considered.

1 MR. BONNER: So above 200 pico Curries go off
2 site is into a better contamination facility that other 200
3 remain on site.

4 MR. BAIN: Well, it depends on the alternative
5 we're considering. I'll get to the preferred alternative
6 here in a second. So that's the way the options are
7 designed. If you're looking at Option 2 and 3, you know,
8 those are -- 2 is taking it completely off the mine site. So
9 anything over the 2.24.

10 Three is leaving it on the site, including above
11 200 pico Currie grams. But 3A takes it to a UNC mine site.
12 3B takes it to an off site disposal facility, while is that
13 that what was.

14 So something to point out here is that the
15 alternatives are great here that are shown. Alternative 2
16 through 5 are all equally protective. So I think that gives
17 a selection of what's the end result? What's the measure?
18 We're saying they're all equally protective. There are
19 different ways and different perspective of that protection.
20 But they are all considered equal protections.

21 I mentioned that with Alternative 3B, 4B and 5A, it
22 will be the same as what's up here. The principle threat
23 waste would be taken to an out of site area for disposal, the
24 higher level contamination. So the advantages and
25 disadvantages of Alternative 1 -- I'm sorry.

1 THE WITNESS: Are you talking about the above
2 200 pico --

3 MR. BAIN: About 200 pico Currie per gram
4 radium, which is approximately 500 milligrams per kilogram
5 per radium.

6 MR. BAIN: So the idea is that would be
7 reprocessed if the mill is out there. It will be taken to an
8 approved disposal facility.

9 MS. HELMS: My name is Katherine Helms.
10 Anything else could be put on the facility?

11 MR. BAIN: Under Alternative 5, right. So the
12 advantages of and disadvantages of these two options, right.
13 Alternative 1 is not protective.

14 The residential areas would be recontaminated from
15 the mine site, and livestock could possibly get back to the
16 life by other potential means.

17 Alternative 2 is considered protective. And it's
18 very time consuming. There are higher chances of people
19 coming into contact -- I'm sorry. The higher chance of
20 people being hit by trucks, we're looking at approximately 45
21 trucks per day, per nine years. We're also talking
22 significant emissions from all that distance travel.

23 Alternative 3, we had concerns about access control
24 and protecting the cap. So if livestock grazes the caps,
25 even though we talk about armory, putting rocks on top of the

1 cap, and then followed by vegetation on top of that rock, you
2 know, we think that it could be over grazed in the future,
3 and then it could impact the cover.

4 Alternative 4, we feel like it was a good option.
5 It's fully encapsulated it's on site so therefore, it's a lot
6 about access control.

7 Alternative 5, we feel is a better option, it
8 addresses access control. It gets it off the tribal trust
9 land and puts it on private property, and that area would be
10 controlled either by UNC and Department of Energy, or by EPA
11 and UNC.

12 Rose, are you okay? Okay.

13 Next slide.

14 I want to put together comparisons between
15 Alternative 2 and 5A. And we heard from community in
16 previous meetings that there are concerns about Alternative
17 5A that made people that work for Alternative 2, but we just
18 want to put some things in perspective.

19 Both would be considered clean closer in the sense
20 that all the materials will be taken off the mine sites.
21 Alternative 2, all the materials are taken to an off site
22 disposal facility.

23 Alternative 5. You're taking about half a mile
24 away, but they're put in a cell, in a covered, lined
25 enclosure that would be equally protective.

1 Alternative 2 would take nine years to design and
2 that's just because of the amount of material we're talking
3 about 800 some odd thousand cubic yards of material. We did
4 a calculation and figures it was roughly 409 football fields
5 foot deep of material that would be laid out if you put it
6 all out. And you know, it represents about 200 thousand
7 truck loads throughout the life of that clean up that we all
8 go down to I-40, and then eventually recall it out to a
9 disposal facility in the area.

10 Alternative 5A with be more trips that with be
11 small, because they're smaller trucks. But it's less than a
12 mile round trip, back and forth to the site.

13 One of the things that we would likely put together
14 would be, you know, we think that we can put together a
15 traffic control plan where we can control where the trucks
16 would be leaving from the site.

17 About 5A than has some radio that one other private
18 vehicle are coming on the road that necessity won't be
19 stopped from travel briefly, so that they would proceed a
20 reduction of the potential for accident but we certainly
21 wouldn't have that ability if Route 566 -- it's about ten
22 miles down to I-40.

23 One of the things that we also wanted to point out
24 is there is a significant potential for accident truck and
25 material many miles away. And some of those miles are on the

1 Navajo reservation, I don't think there is going to potential
2 for accidents if it's hauled less than a mile away. There is
3 problem with taking those materials. It's about a 14 hundred
4 mile round trip to the Grandview, Idaho. We call it the
5 environment facility U.S. ecology facility in Grandview,
6 Idaho in terms of hauling materials less than a mile, which
7 is much less in terms of emissions.

8 So, you know, I think the question that came up
9 from previous meeting is what has EPA done in similar sites?
10 Certainly Region 9, which typical keeps the mine site in
11 place, we don't take the materials generally to an off site
12 facility. It's for reuse, for reprocessing. To the best of
13 my knowledge, the most that we have ever removed from other
14 hazardous waste site in the area of in but, you know, as I
15 just want to let you know that on the regions have not
16 excavated and removed significant volumes like 307,000 on.

17 Now that's not to say that there is which is a
18 Spokane and in Washington, they did take -- they consolidated
19 the soils that fell off trucks during hauling of the waste,
20 hauling the rock to the mills. Those materials would
21 consolidated half the mine site proper and have it in place.

22 So, I guess it's just another point for perspective
23 conditions of the of analogy of the football fields in terms
24 of truck miles, we estimate to be somewhere in 27 million
25 miles. We can put that in different perspective that

1 represents about 50 trips to the moon if we were hauling
2 those materials. So that's a lot of driving, a lot of
3 potential for accidents. Rose.

4 UNIDENTIFIED WITNESS: I have a question.
5 Have you taken the -- of the soils going into the
6 contaminants going into the ground water? And also how many
7 years have you looked at that, because uranium two three
8 days, replaces half life of that material is 4 to 5 billion
9 years. So how many times do you have to replace all these
10 caps?

11 MR. BAIN: The quick answer to your question,
12 have we considered the threat to ground water? Again I
13 mention that we have not done an investigation of the ground
14 water site, and one of the things that we considered while we
15 were doing the removal site evaluation investigation looking
16 at the near -- the surface and the near surface soil was to
17 do something called the synthetic potential position of the
18 contaminated the soil column.

19 We know that ground water of the mine site is
20 located about 600 feet below the surface. That's a lot of
21 long distance for materials to reach down into ground water.
22 There are a number of fine layers in between surface and
23 those water, a lot of aquifers so we have done some
24 preliminary look at that but.

25 Did we consider putting in a liner to keep it from

1 going into the consider?

2 UNIDENTIFIED WITNESS: Yes, what happened to
3 it?

4 MR. BAIN: Yes. Correct, Alternative 4 and
5 Alternative 5 we've considered and that's --

6 UNIDENTIFIED WITNESS: Soil column --

7 MR. BAIN: Okay. So the design life of the
8 cell, we enclosed the cell. The cell -- if I can show the
9 next slide -- is designed for to be for only two hundred
10 years, but it's really engineered for a thousand year
11 life-span, so that's well below the 4.5 billion years that
12 the uranium is -- half life of uranium and the half life of
13 the radium of something like three thousand years. But
14 that's part of the ongoing operation maintenance that would
15 be required as part of the remedy. So periodically, the
16 company would need to come out and look at that to be sure
17 that's not disposing the waste.

18 UNIDENTIFIED WITNESS: Do you think the
19 company would they do the maintenance of that?

20 MR. BAIN: Well, I think that one of the
21 points we wanted to make in terms of taking material to the
22 United Nuclear facility is that it would be -- over there, it
23 would be under permanent control of Department of Energy and
24 United Nuclear, the top existing cells and if we build a
25 separated cell close sell the liner, that would be the

1 responsibilities of United Nuclear and EPA oversight.

2 MR. BAIN: Okay. Let's get through there and
3 then we'll open up. I think many people are getting anxious,
4 so I just mentioned some of the provisions here under
5 Alternative 5A, EPA's preferred Alternative. But again, we
6 haven't made a decision. We wouldn't -- we wouldn't make
7 that decision until we consider comments through September
8 9.

9 Again, we know people prefer Alternative 2. I want
10 to point out EPA did start with Alternative 3. We considered
11 that protective. And your question was, you know, does it
12 require a liner? We don't feel that it requires a liner
13 absolutely, but that's one of the points that we considered
14 in terms of public acceptance and in terms of tribal
15 acceptance, and to rule out uncertainty about, you know, what
16 happens over 4.5 million years.

17 Now, and so we developed this EE/CA document, and
18 in discussions with the Navajo Nation and various agencies we
19 moved to preferred Alternative 5A. We'll continue to consult
20 with our agency partners in the future including the
21 developing design work group to work through this remedy.

22 And you know, we'd like to also offer technical
23 presentations to the community during that design phase to
24 bring the community back where we are in that process. We
25 feel that Alternative 5A frees up the entire mine site area

1 for grazing and housing, if that's desired, and where it's
2 going, the UNC mine site cannot be it's under permanent
3 control and therefore, we feel that it's much more protective
4 option than any others, than Alternative 2.

5 Question was about principle thread waste. Those
6 are the areas of, you know, you're getting higher levels of
7 radioactivity. All those would be taken to an off site
8 disposal facility for reprocessing. Rose?

9 Okay. So the next slide, please.

10 This is a hill an aerial view of Super Funds where
11 we might see the disposal areas. You know, we just
12 highlighted here the central cell of the UNC site, but, you
13 know, we might potentially cover the entire hundred acres of
14 the mountain area of UNC site, or alternatively, if that
15 doesn't work out, in coordination with state and with NRC and
16 DOE, EPA is considering alternative site across the highway.
17 It's still on the UNC property.

18 Again, these are on the existing Super Funds site.
19 They're off the reservation. Okay. This shot is a
20 simplified drawing cross section, and this would be the
21 option on top of the mesa where another area on the UNC site
22 where you would see the existing waste needed.

23 The cells at the UNC site is approximately 40 feet,
24 for instance. It is approximately a hundred feet and those
25 areas have been de -- or the water has been extracted through

1 the efforts of Dallas office for the past 25 years.

2 There is a liner that would be placed above the
3 existing waste, which would be these waste areas simply
4 replaced the NCR waste. Above that, we would put something
5 below the low permeable layer to prevent any water from
6 leaking into the waste. We make sure that it is dry before
7 it goes in and we want to keep water out. That would be a
8 radon barrier so it prevents gasses from coming up out of the
9 material and coming into contact with people.

10 Above that we would put a rock layer, an armored
11 layer, that provides additional long term disability from
12 flash floods and any other weather events. And above that,
13 we would also put a vegetative layer on there, that would be
14 something that provides additional disability and aesthetic
15 value.

16 So this would be a fully encapsulated repository
17 and we think that it would also prove the existing caps
18 surface water management. So there would be some places
19 where surface water come out on top of it. We think that --
20 with more material on top of it, if it's graded properly, it
21 will prevent that water from building up.

22 However, we don't feel that this addresses concerns
23 of radiation of the land that will free up the Super Funds
24 mine site area. It's reliable it's not technology. And
25 that's -- we have better access, control, at the mine site,

1 if all the materials would be removed from this area mine
2 sites and concentrated material will be taken out of here to
3 improve the facility.

4 There is a question about operations and
5 maintenance. So we will go back to those access issues,
6 that's further-- our deal is under the oversight of DOE or
7 EPA long time. So EPA has in order to addressing those
8 complex issues of the sites Alternative 2005 were all equally
9 protective. One of the materials were removed from the
10 mines. You know, we work closely with the Navajo Nation and
11 others on this issue. You know, we will continue our work
12 with Navajo Nation and the other agencies to insure the
13 design, you know, to remove the cells and the disposal of the
14 carry on side, if we were to have them there.

15 Some of the /KAER Alternative 2 compared to 5A is
16 it's faster, it's safer, there is less traffic, they have
17 smaller trucks, less pollution, and it improves surface water
18 management of the cells, and that is a long term operation
19 maintenance. And with that, I concluded the formal
20 presentation part.

21 Luis, do you want to take a break?

22 MR. GARCIA-BA. It's now 7:53 right now, and
23 Justine has been typing probably for almost an hour and a
24 half. It may be a good idea if we just take a 15 minute
25 break, talk amongst ourselves. Hopefully, we'll come back

1 and we'll start off with questions on the presentations and
2 we'll go from that. Does that sound okay with everybody? So
3 we'll be back in here about ten after. Thank you

4 (A recess was taken.).

5 MR. GARCIA-B: Good afternoon -- evening each
6 happy to be back after a lively discussion, but it's ten
7 minutes after. And I would like to bring it back so we can
8 get all those questions answered to the best of our ability.

9 So if I could ask you guys all to take your seats
10 again, and as we go through the question and answer process,
11 I'd like to remind everybody that please, if you would, just
12 for the sake of your reporter, to very clearly state your
13 name before you state your question. And with that, let's
14 begin the question and answer portion. Thank you.

15 Who's got the first question?

16 THE WITNESS: Hello. I'm Cassandra with the
17 Navajo Nation Environmental Protection Agency. I have a
18 question on the total volume that you're going to be moving
19 from the area of what is actually going to be recovered on
20 that site that's being proposed for being taken away, and
21 what is actually going to be left at the site, or off site
22 shortly?

23 MR. BAIN: So can I not use the mike? Okay.
24 So the question about the overall volume material versus the
25 -- are you referring to the principle threat waste

1 Cassandra?

2 THE WITNESS: Yes.

3 MR. BAIN: Okay. Versus the higher level
4 material there. You know, we don't have a real good
5 definition of the delineation of how much of the extra
6 material is there, but we're asking somewhere between ten
7 thousand cubic yards of principle threat waste compared to
8 870,000 cubic yards of the rest of the mine waste.

9 And you know, what we would do is while we're doing
10 -- well, UNC would be doing the work, you know, have them
11 classify the materials by radioactivity, segregate them.

12 MS. CASSANDRA: And then I was looking at your
13 document here for public release and it has hazard waste to
14 stay consolidated includes ore waste rock roads building
15 foundations and adjacent soil. And contaminated soil, on
16 your -- you have an overview of the profile of how you're
17 layering your waste underneath the capping materials. So
18 what's -- and then you have a lining under that. What safe
19 guards do have you for things not to be shifting because
20 you'll have a lot of voids with larger materials and building
21 structures?

22 MR. BAIN: Right. So to address your
23 question, if some of those issues we'll have to work out
24 during our design phase, because as we classify -- as UNC
25 would do the work, you know, my understanding is they would

1 classify the different types of soil, lay those down in a way
2 that, you know, we would achieve compaction to prevent from
3 settling occurring. So, you know, but it's for -- it's part
4 of full figure out in the next phase. Next witness.

5 MR. SHUEY: Chris Shuey of the Southwest
6 Research and Information Center and Multicultural for safe
7 environment. So, how confident are you in the total waste
8 volume of 875,000 cubic yards which is what? 1.3 million
9 tons, something like that?

10 MR. BAIN: I'm not sure of the total tonnage.

11 MR. SHUEY: So, how confident are you that you
12 have adequately defined a waste volume -- that's question
13 one.

14 MR. BAIN: Okay. So in order to calculate the
15 waste volume, you know, we had surface soil samples, but we
16 also did boring and test pits throughout the mine site, Tom.

17 You know, we had to take each of the land
18 picture up there of the 14 decision units, the 14 areas of
19 concern, you know. We used a real simple model to take a
20 look at those average depths where we were finding
21 concentrations above the field screen level in order to come
22 up with, you know, an approximate volume to make our
23 decision. So it's a guess. You know, we're -- when we did
24 our waste volume analysis, and we compared that to what NWH
25 which is UNC's contractor -- you guys came up with something

1 like 500,000 cubic yards of material.

2 THE WITNESS: Six hundred thousand. So.

3 MR. BAIN: So you know, somewhere between
4 600,000 to 800,000, you know it's an educated guess, it's
5 based on, you know, a finite number of deep borings in the
6 site, but it's, you know, it's the best that we can come up
7 with. So I think -- I know I'm confident that that, you
8 know, provides, you know, a good picture of the range
9 proximity.

10 MR. SHUEY: So Part 1 B of the question is:
11 So what happens if you select 5A, and you start transporting
12 waste, the tailings? Are you talking about four foot, five
13 foot layering over a 32 acre area of what is a central cell
14 area, and you find that the waste volume is 20 percent
15 larger, twice larger. What is -- what are the implications
16 for the efficacy of disposal on the tailing site if the mine
17 waste volumes, not counting material, but volume waste
18 volumes are substantially greater?

19 MR. BAIN: Well, I think you have asked this
20 in previous meetings. You wanted to know if there is an
21 impact to ground water, could there be settling to the
22 initial compaction from this --

23 MR. SHUEY: Well, there is several concerns.
24 Those are one of them, but, you have -- would that mean that
25 you would enlarge the area over which you would layer the

1 mine waste and cover it? Or would you increase the height of
2 the mine waste area?

3 MR. BAIN: Well again, I think we have a
4 couple of options. These are issues that we determined
5 during the design phase.

6 The EE/CA is a conceptual document. It's certainly
7 the best information that we have available. You know, we're
8 making judgment calls of the waste line. Also making a
9 judgment call about the stops, and that's predicated on, you
10 know, that's certainly above the waste line. So we've said,
11 you know, it could be as much as plus 50 or minus 30 percent
12 difference in cost. That's driven by merely by waste line,
13 in terms of the areas that we would consider for the -- for
14 disposal. You know, I think that's not the right question.
15 We didn't consider the 34 acre central area cell, but I think
16 we would also consider use of the entire acre of area of the
17 tailings, and how it's presented in the out file. So you
18 know, but again those are questions we need to consider in
19 the design phase.

20 MR. SHUEY: Well, I'm just -- a couple more
21 questions. Were large pieces of equipment from the mill
22 disposed of either tailings prior to coverings, and if so,
23 were they chopped up and 2 and 3, are they -- where are they
24 located? And would mine waste go over the portion of the
25 tailings that containing larger pieces of equipment? And

1 obviously, that question assumes that there was large pieces
2 of equipment that were buried in tailings and my
3 understanding is that's what mill operators can do is
4 generally chop it up. I mean, not chop it up. Slice it up,
5 dismantle it.

6 And obviously, the reason for the question is that
7 if there are large pieces of things in the tailings, that
8 maybe could have create voids. Then additional waste will
9 perhaps lead to some differential settlements, and we don't
10 want that to happen.

11 MR. BAIN: Well, first of all, I don't know
12 the answer to your question, whether there were some
13 materials from the mill site that were disposed of there.
14 Perhaps this gentleman cares to elaborate your observations
15 and then I would also extend that to the UNC representatives.

16 MR. BEGAY: Scottie Begay, former employee.
17 To answer Chris Shuey's question, there are materials that
18 couldn't be decontaminated. Some were cut, some weren't. We
19 did place out our dryer out there, that we died yellow paint
20 with. A lot of tanks, vents and a lot of stuff that's been
21 decontaminated is in the northeastern cell, central sell.
22 So, there -- that was part of my question is, what's going to
23 happen to what was put in the tailings by United Nuclear? Is
24 it going to be covered over? Are they going to dig it up to
25 do it right? What's going to happen to with this material

1 that was put in there by United Nuclear?

2 MR. BAIN: Well, and I guess, again I would
3 like United Nuclear reps or perhaps Region 6, if they're
4 aware of it you know, Nuclear Regulatory Commission is not
5 here tonight, but I don't have the answer to the question.

6 MR. BEGAY: And another thing is Chris asked
7 about is that going to raise the height? Have you considered
8 bringing everything down from the mill, I mean from the mine
9 site? That's a pretty big area, and there's trash pits that
10 are twice the height of the ceiling here. And there's you
11 name it, it's buried. So you know, there's a lot of material
12 that you're talking about, and you know, I think that it
13 needs to be looked at just a little bit more, what they're
14 going to do with it.

15 MR. BAIN: I appreciate the comment, and can I
16 turn it over to Don Williams?

17 MR. WILLIAMS: I'm Don Williams. I'm with the
18 Super Funds Program out of Dallas, and we're responsible for
19 the United Nuclear Corporation Super Funds site. And the
20 question about any plans, any materials that was put in one
21 of the permanent disposal cells on site, there are no plans
22 to excavate any of the material. Eventually, that material
23 will all be capped in place.

24 That's part of the approved plan to close out the
25 United Nuclear Corporation site under the license with the

1 Nuclear Regulatory Commission. That's the license that the
2 facility operates under, when it was in operating the mill or
3 not. Mill facility.

4 So right now, there are no plans to excavate
5 material out of the existing disposal cells that are being
6 closed out under the license. That includes trash or debris
7 or anything.

8 MR. SHUEY: Could we ask Mr. Hauer if he could
9 respond to this? I mean, they know or they should know how.

10 MR. HAUER: I don't know specifically what
11 area. Do you know that there has not been significant
12 settled. You have the people that can tell you that we're
13 working in there, that are working there.

14 MR. MCKINNEY: Ask them what's there.

15 MR. HAUER: But as I said, there has not been
16 significant settling of the existing tailings.

17 MR. BAIN: So, if I might add. Again, you
18 know, that's part of our design process, I don't want to
19 sound like a broken record. But I think as part of our
20 design process, we wouldn't want to establish, you know, are
21 these questions that are significant enough for us to follow,
22 you know, any additional path investigation before we
23 consider disposal on nuclear area.

24 So that would certainly be of value if, you know,
25 Mr. Begay, you have information, or other people that have

1 worked at the site, you know, I think would also like extend
2 to the NRC to find out --

3 MR. BEGAY: This is what concerns me is if
4 we're just going to put a cap over it, it's still going to
5 effect the water. It's still going to effect the ground
6 water. It doesn't matter what they didn't do if their plans
7 are just to leave it where it's at. It's still going to
8 effect that water.

9 MR. BAIN: If I can just add a quick
10 perspective.

11 Region Nine's knowledge of the tailings and
12 impoundment areas of the materials that are in the tailings
13 were dried out before they were finally disposed there. The
14 idea of the caps on top of the tailings impoundments meant to
15 prevent water from infiltrating and causing further
16 problems. Do you want to add to that, Don?

17 MR. WILLIAMS: Yeah. Don Williams again.

18 And the SuperFunds work that we're doing at the
19 United Nuclear mill site, and the Super Funds site that we
20 start now deals with capturing the ground water as it moves
21 off site.

22 Also as I understand this license, that the mill
23 operated under and the closer plan eventually any ground work
24 contamination that leaves the site will always be to bring it
25 back to the forming boundaries of the UNC site. Anything

1 that's moved off site should be coming back or at least
2 captured material. There's probably some water and tailings
3 pond that's still seeping out. It's been there for years.
4 That water is going to get captured. Okay. So that it's not
5 moving off site.

6 MS. PADILLA: So just to follow up, are we
7 pretty clear and certain as to the extent of the ground water
8 contamination and where it's leaking, or is that kind of
9 still undefined?

10 MR. WILLIAM: If it was defined 20 years ago,
11 and there's been a remedy in place to capture ground water
12 three specific grounds, that United Nuclear Corporation has
13 been operating for almost 20 years.

14 Now part of that remedy isn't working as well as we
15 hoped it would. So as another part of this larger project,
16 United Nuclear Corporation is looking at ways to improve the
17 ground water capture and we should have some reports coming
18 out to have some discussions with you all some time after the
19 first of the year.

20 We -- the United Nuclear Corporation is doing the
21 ground water worker under order with EPA Region Six, my
22 office in Dallas. We recognize that not all the ground water
23 is encaptured as well as we thought it would. We're looking
24 for ways to improve that. Okay? And I then I said those are
25 the reports that will be coming out some time in January,

1 February time frame.

2 MS. PADILLA: Just to follow up on that, I was
3 thinking it would be a good idea to have a really good idea
4 of what the ground water contamination looks like right now,
5 so that way after they put all of these layers of
6 contamination, we can see later on when we go back to the
7 ground water we can see how that extra weight effected it.

8 MR. WILLIAMS: There are monitoring wells all
9 around the site now, and people are collecting samples as
10 part of this ground water clean up just to see how well the
11 clean up is or isn't going. So those will always be in
12 place.

13 One other thing that will happen, this came up in
14 the last meeting. United Nuclear Corporation mill site as
15 the Super Fund site, and as the closure of just the normal
16 closer up for the license takes place all these tailings
17 regardless of what happens with the Northeast ChurchRock
18 materials, but the tailings that are there now will be capped
19 in place, because they're going to be left in place, at least
20 every five years, the Environmental Protection Agency is
21 going to have to come back and look and see how well that cap
22 is holding up, how well the ground water falls or how the
23 ground water is improving or staying the same or whatever is
24 happening to it.

25 But by law, we will have to come back at least

1 every five years and review the effectiveness of the land.
2 And that, you know, if ultimately the material from the
3 Northeast Church Rock preferred alternative, if there is some
4 material that comes to the United Nuclear Corporation
5 property, that will also be considered in these reviews.

6 MR. BAIN: Thank you, Don.

7 MR. GARCIA-BAKARICH: I realize that this is a
8 important discussion, but what we are here tonight is to talk
9 about surface soil remedy for the Northeast Church Rock mine,
10 and that's why I presume most of the folks have come out
11 tonight to discuss that. So I would like to bring the
12 questions back, if we could, to the presentation that was
13 made earlier. And assume that -- we feel that your questions
14 have been about the presentation that have been answered to
15 the best of our ability and we would like to move on to the
16 public comments portion of tonight's event. So thank you
17 very much for your input and your, you know, very valid
18 concerns.

19 MR. BEGAY. Scotty Begay. And this, I think,
20 does lead to that. The ore that you're talking about
21 removing, you're talking about placing it down at tailings
22 site, right?

23 MR. GARCIA-BA: One. Alternative.

24 MR. BEGAY: Okay. So that's part of the
25 concern here. If you're talking about capping it, then --

1 MR. BAIN: Nadine over here also --

2 MR. GARCIA: I think we recognize the validity
3 of the question. Is there materials within the cells that
4 could potentially cause problems with additional weight --

5 MR. BEGAY: On top of it.

6 MR. GARCIA-B: -- on top of it? And that is
7 the question that we've acknowledged, and it's something that
8 we would -- we had said that we would certainly consider,
9 take -- take it seriously, in that the proper forum should
10 take that into consideration, is during the remedial design
11 phase where we're actually designing and figuring out where
12 exactly do we need -- are we going to be putting stuff? Then
13 we're going to go and look at that spot, and say, is it okay
14 to put stuff here? And that's when we would take these
15 comments to, and put them into motion. Does that sounds like
16 a reasonable deal? Larry King.

17 MR. KING: My greatest concern is still how
18 you did your calculations on the amount of waste that's being
19 moved? This current clean up that you're doing, I understand
20 you need to go 17 feet below the Unnamed Wash.

21 I'm pretty sure -- I'm almost certain that it's
22 going to be deeper over at that mine site, especially in the
23 Pond 1 and 2, those projects were not lined. Pond 3 was
24 never lined, and -- but when the mine was being de-watered,
25 it was pumped into those mines untreated, these unlined

1 ponds, so I'm almost certain, almost a hundred percent
2 certain that the contaminants is further than 17 hundred --
3 17 feet that you have to go below the Unnamed Wash.

4 So the amount of volume, it's almost certain to
5 double or triple. Is that -- that was one of my main
6 concerns, is the amount that's going to be taken out of
7 there. Is that the -- where it's going to be shipped to
8 across to the mill site is that whole area, is that big
9 enough?

10 I'm not for 5A. I'm still for Number 2 option,
11 complete removal from the site.

12 MR. BAIN: Larry, to address your question,
13 the course of the arroyo is pretty dry, the cross section the
14 area, it's closer to the mine site, than NECR 1, waste pile
15 up here.

16 You know, we know that sediments were pretty thick
17 at the head of the arroyo as it leaves the site on to the
18 Navajo Nation. It gets thinner as it goes along, and so
19 there -- it's 17 feet throughout the length of the arroyo.
20 It's 17 feet at the beginning of it, and then we found
21 contaminates down, I'd say the average, three to four feet in
22 depth in the arroyo. But for the areas like NCR 1, we know
23 that, sure, we took -- we had -- can see the borings right of
24 way drill, there were some tailings when they were down 45
25 feet, whatever, they were still hitting materials somewhere

1 about 2.24 pico Curries.

2 So yeah, we know that the site is, you know,
3 variants. It's not consistent. It's not consistent
4 throughout, but based on the borings that we have, the
5 picture that we have, we've taken each of those areas, based
6 on the process history in there, that they were ponds and we
7 did several borings in those.

8 Yeah, we did see materials that were much deeper,
9 and that's part of how we did our volume calculations, was to
10 take a given area, and consider, you know, how many borings
11 we went down and did see, you know the levels above our field
12 screen level, or action level.

13 So, you know, in looking at one area like the
14 ponds, you know, we would take kind of an average and this is
15 just a matter of something called interrelation, but it's
16 taking a rough guess that the amount of material there based
17 to the amount of the borings. And that's something that, you
18 know, we'll find when we start doing the digging is how much
19 material is there. And you know, we think we've estimated
20 conservatively. As I said, UNC estimated about 600,000 cubic
21 yards. We'll see where it is when we start moving dirt. But
22 thank you. Okay.

23 MR. NEZ: Teddy Nez from Red Water Pond Road.
24 Thank you for doing a good job, for not starting the public
25 comment. According to the schedule that is set, 6:00 o'clock

1 to 9:00 o'clock is supposed to be the public hearing --
2 public commenting, but we're still trying to get -- to start
3 the public comments, and we only got 30 minutes of public
4 comments that we would like to do.

5 If we -- if you would like us -- we would like to
6 talk about our public comments, instead of just like the BIA
7 or the U.S. Government, they always try to delay something in
8 their best interest. So, we have not even started our public
9 comments yet. So that's my concern.

10 MR. BAIN: All right.

11 MR. NEZ: I've got a bunch of comments.

12 MR. BAIN: I guess I want to get through the
13 presentation part as quickly as possible, you know. And open
14 to question, so we can then roll into public comments. So
15 Luis, do you want to see if there is are questions?

16 MR. GARCIA-B: Yeah, definitely.

17 MS. HELMS: Kathy Helms, Gallup Independent.
18 Now, I really appreciate the consideration that is given to
19 global warming and the gas emissions and reference.

20 I'm wondering if -- how it stacks up like if you
21 were to remove all of the waste, how that would stack up like
22 say, against all these shipments of wastes that go to WHIP,
23 waste that's proposed to come from Italy, be processed in
24 Tennessee, or shipped from Tennessee out to Utah, to energy
25 solutions? Also the removal of the mill tailings at Moab,

1 you know, how many shipments does that take? How many gas --
2 the gas emissions and stuff, have you guys like done a
3 comparison to see whether or not it's feasible, you know, to
4 remove the waste from the area, how to stack up with that?

5 Also, Energy Solutions just got \$800-some million
6 from stimulus money to do this next phase of removal of mill
7 tailings from Moab, you know. Could Navajo Nation not apply
8 for -- or GE not apply for stimulus money to do the same
9 thing to apply to the tailings mill?

10 MR. BAIN: Thank you for your questions. Off
11 the top of my head, I don't have the emissions estimate, but
12 I figured -- I will get that to you. What I can say about
13 the -- so we provided that. We're looking at two different
14 things. We're looking at technically enhanced, naturally
15 occurring, periodic material, waste materials that were
16 brought from below surface, those are waste materials land
17 use that's part of the mills, the left overs in mine. They
18 are much lower radioactivity, proportionately than what's in
19 the tailings.

20 So if you were looking at the averaged at Northeast
21 Church Rock it takes about 40 pico Curries per gram of
22 radium. So you're looking at all 800,000, I believe it was
23 40 pico Curries per gram.

24 By comparison, over at the mill site, the tailings
25 have about 500 pico Curries ore grams, average. So I would

1 think that Moab has similar concentrations of radioactivity
2 in them. So in doing the disposal considerations, I think
3 that, the consideration of the amount of materials, the
4 amount of radioactivity, backwards, higher in most cases than
5 if you were -- in the case of mine waste. But that said, we
6 can provide an estimate so you can do the comparison.

7 I have a memo from our engineers who did the
8 calculations. So I have that read.

9 MS. HELMS: I mean, waste is being shipped
10 each day, so you got 20 thousand truck loads out of here.
11 You've got that many and a whole bunch more.

12 MR. BAIN: Right. That's a consideration of
13 ours and it's looking at the lower active material to take
14 back, first of all, to ship it, long distance for disposal.

15 But second of all, considering the volume of
16 material that it is -- that's filling enough, the disposal
17 site somewhere else that could be used for other real toxic
18 materials. So that's one of the reason for WHIP. WHIP is --
19 it addresses the commercial chemical container to the
20 materials. That stuff is much higher than what we're talking
21 about here. So those are the.

22 MS. HELMS: But it's okay to ship it on the
23 highway and do the things and the whole nine yards. And I
24 suppose people want the interstate to remove handle and
25 contact hazards and waste. But you've got like this stuff

1 here, that's not as high, but you want to ship it.

2 MR. BAIN: Again, we're looking at kind of the
3 overall equation.

4 MS. DINEYAZHE: I'll just make this real
5 quick. Michelle Dineyazhe, Navajo Super Funds.

6 Andy, was there any study done as far as how the
7 NECR waste will handle contaminated water moving onto the
8 Navajo trust land on the north side of the UNC site?

9 MR. BAIN: The only one we did was the FPLP.

10 MR. SHUEY: Toxic studies --

11 MR. BAIN: So there are two different models,
12 if you will, you take material from the site and you run
13 radon into it, the FTLP method to see how much material will
14 migrate into the soil column. And then we also had UNC do a
15 tee clips, so I think they used acid for those. I'm trying
16 to exaggerate the leakage potential of metals to the soil. So
17 the result of that were that, you know, we don't -- other
18 than some minor migration of uranium, we didn't see it, see
19 the potential for it migrating metals.

20 MS. DINEYAZHE: But that was very -- during
21 the five-year review of UNC, you estimating about three years
22 of contamination to cross on to Navajo trust. So with the
23 added weight from the NECR site, was there any calculations
24 about increasing that time period, or shortening that up
25 because of the increased weight?

1 MR. BAIN: We didn't -- I'm not sure we looked
2 at, you know, increased weight and how that would impact
3 ground water. Then again my sense of the ground water
4 contamination from the UNC, they're seeing the columns that
5 migrate the store release, not current release.

6 MR. WILLIAMS: The ground water that we're
7 seeing the plumes, as Andy said, is from past operations.
8 It's the water that's already in the tailings. Now, anything
9 we do, if we add more material on top that's not going to add
10 more water to the tailings in any way. It's just going to
11 push water down. Water is just going to flow down with its
12 own weight. And as we said earlier, that's one of the things
13 we're looking at because of what was -- you pointed out the
14 five year review indicated that the ground water could move
15 north and cross into Navajo Nation land in about three
16 years. One of the things we're asking United Nuclear
17 Corporation to look at now is how do we stop that from
18 happening?

19 And that's, again, are reports that should be
20 coming out after the first of the year. Okay. So we are
21 aware of what our review said. We're look for ways to
22 prevent that from happening. We just got to think that any
23 additional material placed on top of the existing ponds is
24 going to have a significant impact on the weight of the water
25 already in the pond dropping down through. And that's what's

1 actually creating the problem on the bond.

2 MR. BAIN: And Michelle, while we haven't done
3 any specific modeling, we have consulted with radio DOE, NRC
4 and state about the viability of disposing on those existing
5 remaining cells. None of them were able -- any questions
6 along those lines. And again, if that's a design question
7 that Navajo Nation wishes to raise while we're at that phase,
8 I think that's perfectly appropriate to ask and see what we
9 can address the.

10 MS. PADILLA: Nadine Padilla. For the caps,
11 are there examples of other areas where similar types of caps
12 were used where maybe they started to wear down and they
13 weren't as effective as you expected them to be? Or any other
14 problems that have come up with the caps like plants kind of
15 branching out, or you, know digging their roots way down in
16 there? Is there anything like that?

17 MR. BAIN: No, I'm not aware of some studies
18 that Solar Continental Homes have done for DOE done for mill
19 sites, including areas in the Four Corners several sites on
20 the Navajo Nation. And I think that, you know, there's a
21 reclamation that using an evaporative transportative cover
22 design, which would include materials, but it would also
23 include, you know, less thickness and more vegetative cover
24 and it will prevent infiltration of water.

25 It'll prevent roots from penetrating the cap, and

1 you know, thereby protecting radon or absorbing other
2 material from the inside the cap. But I think the general --
3 the vegetation tends to run the cap -- I think that's part of
4 what the study look at in terms of cracks. And then, we're
5 taking some of those considerations into account, if, you
6 know, we proceeded with option 5A.

7 MS. PADILLA: What's generally the longest
8 that the cap has been in place, like doing the job?

9 MR. BAIN: Do you mean with respect to uranium
10 sites or waste sites in general?

11 MS. PADILLA: Yeah, just a similar site that
12 would it be comparable.

13 MR. BAIN: Well, the only other examples that
14 I have are the Midnight Mine in Spokane Tribe in Washington.
15 And the Lucky Laughs, White Tribe site, in Oregon. It's also
16 called Freemond Mining. Take a look at those on Region Ten
17 website, that the instruction document that.

18 MS. PADILLA: And how long are they?

19 MR. BAIN: So those are two sites I think
20 they're kind of combination mines called Monticello in Utah,
21 and so those member keys. I think Midnight Mine is probably
22 about two or three years old. The white -- and then the
23 Monticello is probably about ten years old. And then the
24 other sites that we certainly looked at the ones case
25 scenario, we considered the experience of the mill sites as

1 part of our design process. We incorporated a lot of the
2 plans, you know, even though we don't have the type of
3 material to incorporate into the plan.

4 MS. PADILLA: So that's kind of like at high
5 level, like if it's done properly and everything is all in
6 place, it's been proven to last at least ten years. I mean
7 so far that -- is there like a bottom removal of when it
8 starts to wear out?

9 MR. BAIN: Well, so we don't usually have that
10 experience, but we have the engineering to predict for those
11 cells to last two hundred years. That's the requirement
12 under the law. But, you know, we haven't had that.

13 This hardly comes up. As Don pointed out
14 earlier, the requirements for EPA is to check every five
15 years to analyze, evaluate, and make comparison and changes
16 if anything.

17 MR. BAIN: Thank you.

18 MS. WHITE: This is Freida White again.
19 Usually as you know, all of them are unlined, they are
20 contamination to ground water is occurring at all of the
21 other sites. So, you haven't, if you're following molding
22 designs there, it's going to generate the same type of
23 situation, another plume, and it's just -- the ground water
24 migration for very long term.

25 MR. BAIN: Well, so I guess Cassandra, I would

1 disagree if we're talking about the fully encapsulated
2 design, we're talking about a liner and a cover, and we're
3 talking about putting that on top of the existing cells. So
4 I guess part of your question -- part of your question I'm
5 hearing is what about the existing material, but as far as us
6 adding any additional contribution to the release, I guess I
7 don't see that as a likely scenario. But you know, we're --
8 wouldn't the same be true of an off site cell at the TTF
9 Transport, sort of a facility that might be accepting waste?
10 And you know, it's anybody's guess, but with the system of
11 checks and balances that we require under super fund, again
12 five year reviews and coordination with our agency partners,
13 you know, we intend to avoid those scenarios.

14 MR. KING: Another question. Larry King. On
15 your cross section that you presented on the slide, and from
16 what I'm hearing, you're saying that there's going to be no
17 excavation on the mill site to put all the mine waste with a
18 liner? So, instead of a liner just being flat the way the
19 way the diagram shows, it's going to be more like a hill,
20 right? Like a mound?

21 MR. BAIN: This layer -- .

22 MR. KING: Yeah, because right there that
23 shows that the ground is going to be excavated and the waste
24 pile dumped into the hole. But you're saying that there's
25 going to be no excavation on the mill site. So what you're

1 going do down is just build a mound on top of the existing
2 tailings pond, or the waste pile there. So you could
3 actually have a hill, not a flat surface like that.

4 MR. BAIN: Okay. So you raised, you know, a
5 valid question. It's not -- this is a very simplified
6 diagram. The existing waste cells --.

7 MR. KING: So it's going to be a mound.

8 MR. BAIN: So, again, what we're -- some of
9 the things that we're thinking about in terms of the design
10 would include could there be materials here in the existing
11 cover of the tailings area? Could we scrape off those kind
12 of materials in order to form the liner concept, so that, you
13 know, we're providing a better protection, more of a bathtub
14 effect to prevent, you know, any materials from leaking
15 outside side slopes of the enclosure. But, you know, those
16 are all things that we would consider as part of the design
17 phase. But that's a good question. We're looking at what's
18 there and how we can incorporate the materials. So that, you
19 know, we're not -- we're not worse in situation, rather than
20 --

21 MR. KING: So in other words, are you saying
22 that you're going to dig some -- do some excavation?

23 MR. BAIN: We're considering that as one of
24 the possibilities.

25 MR. KING: We just heard from somebody that

1 there's going to be no excavation.

2 MR. BAIN: We won't go into and --

3 MR. KING: And based on what Scotty just said,
4 they're going to be running into the breeze that were brought
5 up where the mine site separate that were not able to be de
6 -- so you're going.

7 MR. BAIN: Let me just clarify. I'm sorry if
8 I confused the situation. We're not talking about digging
9 into the existing waste. We're talking about perhaps using
10 what the liner is already there, which is already a low and
11 so, you know, we could use some of the material to also
12 improve the liner of our existing liner here.

13 MR. TANDY: This is Clancy Tandy. I just want
14 to clarify. We're actually getting ahead of ourselves.
15 We've not decided that we're going to put it on top of that.
16 We've not decided whether we'll put in an extra lining.

17 MR. KING: How are you going to ship it out?

18 MR. TANDY: The only decision we're talking
19 about tonight is whether to do the preferred alternative to
20 move it from Church Rock to somewhere on this site, or to
21 take it to Idaho. And so all these design decisions, I think
22 we should have another workshop later after we're -- if we do
23 choose this option 5A, I think we need to come back and have
24 another discussion about the design issue, because anything
25 that -- if we to try to answer the questions, we just haven't

1 gotten in --

2 MR. BAIN: This is a concept. This is just a
3 concept that's based on, you know, technologies that have
4 been done at other sites, and, you know, doing what we can
5 with existing situation.

6 So just to point out, you know the two options
7 we're considering for 5A, again, are perhaps, you know, in
8 one area of the existing cells, perhaps the entire area if
9 there are areas that of specific concerns that we identify as
10 part of the design phase, and we wouldn't use that particular
11 spot on the tailings area.

12 If for some reason the tailings area doesn't work
13 out, you know, we're open to the option of disposing across
14 the highway. The issue with that is that, you know, that
15 would be under a different jurisdiction. That would not
16 DOE's responsibility under EPA and UNC.

17 MR. NEZ: Teddy Nez from Red Water Pond Road.
18 Which one of you guys are telling us the truth? And then
19 Region 6 Don said it's on approved land that's been placed
20 and we're working with. And you guys are saying that oh,
21 with we're still doing this and that to it. Just like that
22 picture that you showed us, that's a plan. I don't know you
23 said -- you told us that this is not the plan, but this is
24 what we're going to work with. So which direction are we
25 going? Can we get some true answers?

1 MR. TANDY: Yeah. The answer is that what
2 we're talking about here tonight is whether to do option 5A,
3 or the other option. 5A could either be that idea that
4 developed that is on the wall, that was up there. Or it
5 could be in a different place. And we have not decided which
6 of those we will do. And I'm just saying that I think we
7 should come back and have another workshop. If we get to
8 that point where we're trying to decide how we're going to
9 design this, we should come back and get additional input
10 through workshop.

11 And then what Don is talking about is what Region 6
12 is doing over at the UNC site themselves with their work to
13 monitor the ground water, and in the long run there. And
14 that is his plan. But that's a different plan than what
15 we're talking about tonight. I'm sorry. Did that help,
16 Kathy?

17 MS. HELMS: One of the things I see here is
18 that -- one of things I see here is that you have all of
19 these going to like keeping the tailings here, on, you know,
20 in the area, but I don't see that you have a whole lot on the
21 alternative taking the tailings waste, whatever you want to
22 call it, somewhere else. Shouldn't you have like a balance?

23 MR. TANDY: Well, the reason we have more, the
24 questions is, why do we have so much analysis of alternative
25 5A, not the alternative which is taking all of it out. And

1 the reason is, what we're looking at that option of taking
2 all of that away. And the reason is when we're looking at
3 that option of taking it all the items out, when we're
4 looking at, just like 50 pounds of materials to move for
5 miles for the vehicle to travel. That's not an exaggeration
6 28 million miles of truck travel. You've got traffic
7 accidents, you have the emissions from the truck is one
8 thing, but I would be more concerned about people getting hit
9 and traffic accidents. We're looking at all of those things
10 versus the option 5A, which we believe can be built just as
11 protection of human health. And so we've chosen not to put
12 as much effort into evaluating the details of the Idaho
13 option for those reasons.

14 MS. HELMS: What's the transport of
15 radioactive waste from place to place, across the country
16 everyday?

17 MR. TANDY: That's a good point the -- I hear
18 that.

19 MS. HELMS: I don't think you're putting in
20 any weight, it doesn't seem, I guess I should ask --

21 Andy. Are you asking are you that we're not
22 important.

23 MR. BAIN: Can I just add to what Clancey's
24 explanation? We're required by law and by the regulations we
25 have, to do through this process in this way because after

1 the final analysis considering the evaluation criteria that
2 we were imposed with. I mentioned, the effectiveness, the
3 implementability and the cost in under those -- with the
4 additional material considerations, including tribal
5 acceptance and community acceptance.

6 You know, we have come up with what we think is a
7 plan. We have not made a decision, and all we have is our
8 presentation. You know, we think it makes sense to show what
9 we think is the best option. But we want to hear from the
10 community. We're talking what you prefer and please give us
11 the reasons why that we can use the nine criteria that we're
12 considering that we're required to consider that would be
13 more eligible for the public record.

14 MS. HELMS: Was Navajo Nation's preferred
15 alternative not to select an alternative not to place closer
16 to move the waste out of here?

17 MR. BAIN: I would I prefer the Navajo Nation
18 to answer that question.

19 MR. ETSITTY: Yahtahey. I'm Steve Etsitty,
20 Executive Director for Navajo Nation EPA. We made a
21 presentation in February to the EPA Super Fund Natural Remedy
22 Review Board and we stated our position at that time, which
23 was the position that we crafted prior to the 2007 emergency
24 removal action at Red Water Pond Road and it's been
25 consistent ever since then.

1 It was articulated since July 16th by President
2 Shirley, where, you know, to the lowest extent possible,
3 we're going to continue to work towards our goal of having
4 all of uranium contaminated materials removed completely out
5 of Navajo Indian Country. So we've been pushing for option
6 two from the beginning, and that's our preferred option.

7 This is kind of like along the same lines, the
8 community has already stated that they want off site removal
9 off the Navajo Nation, and you stated that this meeting isn't
10 about the design questions about this particular site. So we
11 shouldn't even be discussing it. I mean that's the only
12 question here, you said whether we want off site for these
13 other options that's -- it's pretty clear from all the
14 meetings I have been to which have been all of them that the
15 Nation and the impacted community wants off site removal. So
16 if that's the only thing that we're here for tonight, then
17 that's it, because then we're assuming that if you guys make
18 that decision and don't support the Navajo Nation what the
19 community want, then you're going to have a whole lot of
20 hearings to decide so that we can look at the designs. We
21 shouldn't even be discussing that, right because that's what
22 you said, .

23 MR. BAIN: Well, I think what I said is that
24 EPA has not made a decision yet, and your input and your
25 report is an important part of the process, and you know, we

1 need to hear the reasons why the community and Navajo Nation
2 prefer a given remedy, whether it's alternative two or
3 alternative five. And once from -- once the decision is made
4 we think there's that there's additional reports -- Sylvia
5 Martinez is her name.

6 So once the decision is made, the public
7 involvement process is not over. It's still important for us
8 to involve the community and however it's been decided to
9 move forward and I think that's our commitment to provide
10 workshops and we'll work with our agency partners to come up
11 with the best remedy possible. But again, there are nine
12 criteria that we're evaluating, and that's what -- we're
13 required to do that by law. And we have to obey all those
14 factors and that's where it is really important to hear the
15 options.

16 MS. MARTINEZ: And I guess that's because
17 again the questions that are being asked about removal and
18 moving of waste. It seems that -- again, the carbon
19 footprints when it's coming into New Mexico, but when it's
20 going out of New Mexico, the carbon footprints becomes an
21 issue.

22 MR. BAIN: It sounds like a comment for --

23 MS. MARTINEZ: It's a comment. Another
24 question. Are there any regulations or how high you'll go.

25 MR. BAIN: How high in terms of --

1 MS. MARTINEZ: Yeah. Now we're back to the
2 part that's not part of this discussion that -- are there any
3 regulations to -- I mean, how high can the bill pilings go?
4 You know what I'm saying? Will it be higher than the methods
5 around here? I mean how high will it go? And then you had
6 talked about it as being come some kind of a wash tub
7 effects. Well, how high can you make a wash be set?

8 MR. BAIN: Well, you're not going to like the
9 answer, but again, that's part of the design criteria. We're
10 estimating that it would be roughly four feet of material
11 from the NCR waste pile, you know, spread out over in that
12 area. You know, that's part of, you know, once the design is
13 figured out, you know, what's that mean, and what are the
14 variable, what are those, based on higher or less material
15 once we start digging into it.

16 MR. GARCIA-BAKARICH: We'd like for you to
17 speak into the microphone.

18 MR. BAIN: So can I say there is no specific
19 requirements in terms of height on it. It is just a matter
20 of -- what makes sense. And what's ahead.

21 MR. HOOD: Good evening. This a Tony Hood,
22 Red Water Pond Road. I've got a picture here. I live where
23 that red X is, X marks the spot, and over here where it says,
24 events 8 and 3, they were 48 inch vent holes exhausted that
25 were ventilating the mine, and we all know that the

1 prevailing winds come from the southwest, and it comes right
2 over us.

3 And that's why I'm saying that we need additional
4 tests to test the soils, the vegetation, and all the effected
5 households downwind from that vent holes. And then I'm
6 concerned about the access clean up, too. Are you going to
7 build an alternate route where we can drive on? Because of
8 that No Name Arroyo used to overflow, and it would run down
9 the road all the way down to cattle guard where we used to
10 drive through it, our children walk through it to an from the
11 bus stop. So are you proposing an alternate route while the
12 clean up is being down done.

13 MR. BAIN: So I heard two questions. The
14 first one was, you know, are we going to look for
15 contamination beyond the mine site? And I think that you
16 know, we've looked at all the areas that seem to be the most
17 important in terms of wind and water erosion. And we looked
18 in the vent hole opinion. Sorry?

19 MR. HOOD: Can we can we get a second opinion?

20 MR. BAIN: To get a second opinion?

21 MR. HOOD: Yeah.

22 MR. HOOD: We have our -- we have -- you
23 certainly have your own ability to survey the proper room or
24 if an independent group has the equipment to do a survey like
25 that, and we have the services not only EPA. One of the

1 things that I'd like to mention is when we first started the
2 work at the Northeast Church Rock site, there were only three
3 areas that were being considered on the plans by the State of
4 New Mexico.

5 They were looking at, you know, dealing with the
6 sediment ponds, the NECR One and NECR -- I'm sorry I got
7 backwards. NECR One and I believe the sandfills and NECR Two
8 waste piles. It might have been the non-economic materials
9 storage areas, but none of these areas including vent holes 3
10 and A, the ponds were considered done because NRC had done
11 the close out of the site. The sand fill areas, the trailer
12 park area, and all this step out area. None of that was part
13 of the original area that was delineated for revocation. So
14 we've expanded the area of, you know, the consideration
15 extensively. Do we have a complete picture? I can't say
16 that absolutely, but I think we have a pretty good idea where
17 the contaminates have gone, based on wind directions and
18 based on the flow of water. We sampled the areas beyond the
19 ridge, near homes where we have the most concerns for
20 exposure and did not find the problems there. But does that
21 mean that we have captured all of it? No, we haven't done
22 any characterization of the Unnamed Arroyo as it flows down
23 to Pipeline Arroyo.

24 We haven't done characterization beyond Red Water
25 Pond Road. To do that, you know, we need to work with our

1 other counterparts and those are some other areas that are
2 impacted by mines such as the Northeast -- I'm sorry. The
3 Kerr McGee Quivira Mine site, which by the way, EPA is not at
4 all gave the clean up at Kerr McGee Quivira. I don't know if
5 Navajo EPA wants to respond or speak to that. But it was
6 done under reclamation program with BIA and BLM and we're
7 just beginning to hit the surface, as far as what's --

8 MR. HOOD: That's why we need comprehensive
9 testing. We don't want to hear what you tell us. We want
10 factual information. Undisputed facts.

11 MR. BAIN: Appreciate the question and
12 comments. Did you catch both sides, Luis? There was a second
13 part.

14 MR. GARCIA-BAKARICH: The second part was
15 about access to the home sites and mill operations.

16 MR. BAIN: Oh, okay. So Tony, that's also,
17 you know, an important question. You know Red Water Pond
18 Road is certainly going to have some work done on it, but
19 it's characterization work. Which means we'll be drilling
20 down into it to see if there are waste materials that might
21 have been put there by the former Kerr McGee operation.

22 MR. HOOD: I'm sure my grandfather calls that
23 dirty road.

24 MR. BAIN: So back to your question, Tony.
25 You know, part of work that we're doing this summer is really

1 where there is -- where there's potential for traffic
2 disruption. Once the interim removal action is done this
3 summer and fall, there's probably going to be relatively
4 little impacts to people coming from, you know, from further
5 up in Coyote Canyon or to Pipe Line Canyon Road but, you know
6 certainly, the hauling that we're taking to the UNC Site will
7 road will tell how, you know, kind of give us traffic
8 coordination to protect people. So some things that we got
9 to -- summers, if we have to, close half of the road having
10 sign each out, making sure that the residents are aware of
11 the work that's coming up, you know, through our
12 communications that's our commitment to let people know when
13 that work is occurring, and to make sure that it's this.

14 UNIDENTIFIED WITNESS: In there is one good
15 idea of mining site and the older waste was trust transported
16 to -- though three years ago and now that the clean up, will
17 be transported back to the in three years. So why not do the
18 same for this?

19 MR. GARCIA-BAKARICH: We'll have to respond to
20 that through our -- through Andy.

21 MS. BENALLY: Hi. I'm Annie Benally. My
22 question too you is, you stated there's 14 homes are being
23 effected by this stuff. And why is only four people being
24 assisted with being removing -- moving and moving out? What
25 -- are we important? Are we important? Are we -- I mean,

1 what's wrong with us? Why can't we be part of people that
2 are being moved out? We're going to have when work is
3 starting up, we're going to have dust all over, everything
4 else, seeing that we have lived with for the past 30 years
5 and beyond. And now, you're only considering only four
6 families. Either part is my -- I have respiratory problems
7 and I live further up. Are you telling us that we're not
8 important?

9 MR. BAIN: Not at all, ma'am. You know --

10 MS. BENALLY: I feel like I'm being
11 discriminated against by the EPA.

12 MR. BAIN: Ma'am, I'm sorry you feel that way
13 and, you know, I fully understand where you're coming from.

14 MS. BENALLY: And right across the wash there
15 was a vent hole from Kerr McGee, and you're not -- you're not
16 including me? Excuse me. I'm a living human being, too. I
17 have five fingers on each hand. I'm a human being, and
18 you're not considering me.

19 MR. BAIN: You know, actually, we are
20 considering you. I appreciate your comments. Can I just say
21 that of the homes that we studied out in this area, the ones
22 where we found contamination were limited to next to Red
23 Water Pond Road to the east, one home and then several homes
24 right --

25 MS. BENALLY: And then you try to change your

1 comments. You said there were four homes, you said there's
2 14 homes out there. There's my sister back there. Look at
3 her. She just lives not too far aware from Tony, and she's
4 got diabetes, and you're not considering that?

5 MR. BAIN: You know, actually, we are
6 considering it, and that's the reason why we had -- we
7 approached the families of 14 families in the area to --

8 MS. BENALLY: I don't believe you. I'm being
9 discriminated against.

10 MR. BAIN: Again, I'm sorry you feel that way,
11 but we feel.

12 MS. BENALLY: I lived there 50-plus years.
13 How long have you been out there? Two weeks. And you're
14 excluding me. Two weeks. Have you traveled this road? This
15 whole road is contaminated. You've only traveled it how many
16 times? Fourteen times? I traveled it more than that.

17 MR. BAIN: Thank you for your comments.

18 MS. BENALLY: Okay.

19 MR. BAIN: Can I just mention that as part of
20 the work that we're doing, this current phase of work, I
21 mean, we did work in 2007, and then we would require the part
22 of the final clean up of the Northeast Church Rock mine is
23 to make sure that dust and materials are not being released
24 during the work.

25 MS. BENALLY: So you're going to cap my home

1 while you're doing all this?

2 MR. BAIN: We are doing air monitoring. We're
3 doing air sampling actively during the work, and we're
4 looking at both the workers that are most impacted by the
5 dust. We're doing the -- we're having UNC do dust
6 suppression work.

7 And then to speak to your concern about the Kerr
8 McGee vent holes --

9 MS. BENALLY: Now it's somebody else's
10 problem, not yours. Well, you're EPA.

11 MR. BAIN: You know --

12 MS. BENALLY: You're supposed to be concerned
13 about everything living that lives up there, but you have
14 boundary lines that says no. Why is that?

15 MR. BAIN: You know, again, we're concerned
16 about the Kerr McGee site. We have to choose our priorities
17 based on our coordination with Navajo Nation EPA, and now
18 part of Department of Justice. They told us that Northeast
19 Church Rock is the number one priority site. They've also
20 identified that Kerr McGee site is an issue. We've
21 recognized that. And we're starting to take a look at it and
22 we will -- we would expect to do a full evaluation of the
23 site, but that applies, you know, close coordination with the
24 Navajo Nation to say, yes, that's the next priority. Or is
25 there another priority? We've got 540 uranium mine sites.

1 MS. BENALLY: Yeah, but we're not interested
2 in that. We're interested in but --

3 MR. BAIN: But what about the communities that
4 are out there?

5 MS. BENALLY: But they're not here. I am.

6 MR. BAIN: Right. You're right and I respect
7 your feelings and your experience is very different from
8 mine, and your point is taken to heart. Thank you.

9 MR. GARCIA-BAKARICH: I just wanted to very
10 quickly just remind -- I know that that some of you have got
11 families and schedules you need to get back to. I would just
12 like to -- sorry, we didn't get a chance to get to the
13 comment section, but we do feel that there's some comments
14 that have already been stated that we will be responding to.

15 If you do need to leave, if you do have something
16 you would like to leave with us, we do have forms in the back
17 of the room that you can fill out that you can send us, and
18 we urge you, if you need to get back to your families but
19 with that --.

20 MS. HOOD: Good evening, everyone. I would
21 just like to make a comment first before I question ask a
22 question.

23 Once this clean up starts, we many be in the midst
24 of ground disturbance. Meaning that dust and contaminants
25 will be in the air. So I think somebody's already said the

1 question about the access roads to our home, because we live
2 maybe half a mile, or a mile off the highway. And we will be
3 traveling the highway, which I call the yellow brick highway.

4 So, meaning I have employment, and I'm going to be
5 traveling that road twice, one to go and one to come home.
6 And people will be exposed when the contaminants are being
7 hauled to the mill, which is about a mile away.

8 I guess my concern is for my grandchildren. We
9 have been there our lifetimes. I guess my priority is my
10 children and my grandchildren, and how are you going to tell
11 us that you're going to keep this highway safe for us to
12 travel? And also, when this disturbance of air pollutants in
13 the air, how are you going to control that dust? Because the
14 wind may blow, and it has no boundary, and it will be once
15 again, going on us, the land.

16 I just want to know how you will control the dust,
17 the noise, the pollution? That is my comment and my
18 question. My name is Edith Hood.

19 MR. BAIN: Thank you for your comment and your
20 question.

21 So in terms of controlling the dust from the site,
22 from the work that's going on now, you might notice water
23 trucks that are spraying throughout the site. That's just
24 one precaution to knock down the dust that might be
25 generating with the soil removal.

1 The other thing that we're doing is having air
2 stations that are stands that are out in and around the
3 neighborhood, the community area, as well as to the site.
4 There's enough wind stations. Those are set up to address
5 resident exposure potential. And there is any clear checks
6 on a frequent basis if there is any kind of occasion that
7 they're exceeding -- I think looking at silica, which is an
8 indication of sand windblown off to the site is one thing
9 that they're looking at. But they're also looking at the
10 gamma radiation and the alpha radiation, which would be a
11 worry for people to breathe and to cause, you know, something
12 like lung cancer.

13 So, there are those things that are in place, and
14 if those air monitoring stations pick up any -- anything
15 that's of a level that's not acceptable, we have what's
16 called a derived air conservations, more mumbo jumbo. I'm
17 sorry.

18 We've got these numbers that are set for both
19 residential, and for worker's sake. And so far, we've been
20 something like one percent -- one to two percent of the
21 residential standard, if I'm not mistaken. I can check with
22 UNC folks with are actually monitoring the work.

23 They haven't gotten into the majority of the site
24 yet, but they've been doing work on some of the
25 decommissioning areas -- demolition of some of the concrete

1 pads on the site and have had the air systems in place. That
2 would be the same procedure for cleaning up the rest of the
3 mine site, is to have that permanent air monitor.

4 And then finally, you know, once all the work is
5 said and done, the requirement that EPA has for clean up of
6 the site is actually guidance is to go back and do
7 confirmation sampling -- hundred percent of confirmation
8 sampling of the entire area that we've identified as
9 contaminated in this mine site. That's probably a longer
10 answer than you wanted.

11 MR. GARCIA-BAKARICH: It's getting to be 9:30
12 and its going to be time for another break. So we'll take
13 your question and then we'll take another ten-minute break.

14 MR. NEZ: Two things, Mr. Bain. Have you ever
15 seen the air monitor in operation in the area? It's one
16 question.

17 MR. BAIN: In the what?

18 MR. NEZ: Internal -- Intern Removal Action,
19 IRA.

20 MR. BAIN: Have I seen the air monitor, yet?

21 MR. NEZ: That's question one. And then I
22 have seen -- it's right next to my house that air monitoring
23 that you're talking about. They only turn it on at 8:00
24 o'clock when the crew comes in, so when the crew comes in,
25 it's about 9:00 o'clock that's when they turn the generator

1 on. And then they shut it off. When they roll up, meaning
2 that they shut it off at 4:30. And here, you're telling us
3 that the ongoing air monitor is happening.

4 So where are you coming from? Okay. That's my
5 question one, air monitoring.

6 MR. BAIN: Is that --

7 MR. NEZ: Second point, data sharing. With
8 this information, you were asked, and then you just said
9 that, oh, there's coverage for it. We don't want that.
10 That's what you're telling us. That data has been available
11 since 1978. And then you come on board in 1996. So that
12 data has been available through University of Southern Cal,
13 Stanford University, Tuff University, and now we've got other
14 people that are interested in testing us after you have
15 cleaned up. So, are you telling us that oh, they got the
16 data, they don't want to share it? The data report has been
17 in this Chapter that long. That's been in Pine Dale Chapter
18 Eastern Agency Chapter. It is available there. So that's
19 two.

20 And then you're telling us that, oh, we have to do
21 our own testing. That's why we want a second opinion. So
22 we're talking about the dust monitoring.

23 Edith was talking about her kids catching the bus.
24 How is that bus going to turn around when the -- when you
25 start talking about the No Name Road?

1 The actual Red Water Pond Road comes from the east
2 by Grace's house, and it goes to the community. So on that
3 No Name Road appear on the map from the highway, that doesn't
4 have a name on it. The original legacy of that road, Red
5 Water Pond Road comes out the Pipe Line Road goes directly
6 through that. So we need to get some facts straight.

7 MR. BAIN: Well, I think your first question
8 was, have I looked at the data that UNC that was an issue
9 there. I've not looked at the data specifically. They just
10 started generating that.

11 They summarized it for us yesterday during a
12 meeting, and I was informed was that there are roughly one to
13 two percent above the higher concentration limits for
14 residential exposure. And then, you know -- but I'm
15 certainly figured that information that I will be looking at
16 it as it generate the data sheet, but you would probably
17 appreciate, you know, with your work with the department,
18 your system program, it takes a while to generate the data to
19 show that they seen the issues with the significant levels,
20 even if it's not valid, you know, we see it.

21 So, that's -- I mean, that's what we're -- that's
22 why there's a system of checks and balances is to have, you
23 know, the air monitoring going on. I guess I will be
24 monitoring that. But I guess, I'll turn the question around
25 you.

1 What has -- you summarized for us the rest of that
2 input what data in terms of air monitor station do you have
3 out there? You've got two, and I believe EPA has provided
4 the equipment, provided the analysis the Las Vegas lab and in
5 talking to Chris, I've not heard of any significant
6 concentration. You guys run it on six day intervals? You
7 run it 24 hours a day, when the air station that's near the
8 Hoods, pick up materials that would become off that removal
9 work in 2007, or the current, I think that's a great fall
10 back.

11 It's not an end all, but I think that's a report
12 fees. I think you guys will let us know if there's any
13 problem. So you tell --

14 MR. NEZ: You're trying to avoid my question.

15 MR. BAIN: No, I'm just trying to illuminate
16 night for everyone else. There are systems in place to
17 address air, dust releases. Is that a perfect solution? No,
18 but that's why we have air samplers. That's why we have the
19 stands that the company is doing as part of the work out
20 there, and that's why there's final stand that will be done
21 once the work is reinforced --

22 MR. NEZ: It's just a question --

23 MR. BAIN: The U.S. Government can offer.

24 MR. NEZ: Trying to deviate from the
25 question.

1 MR. TANDY: So the question the turning it
2 around and molding inside.

3 MR. NEZ: Right now, the way I see the air
4 monitoring that Mr. Bain is talking about is that oh, we have
5 an air monitoring going on 24 hours a day. That's the
6 impression that he's giving us, but in actuality when the
7 crew comes on board, they have their tail gate meeting and by
8 the time they get to the air monitor, about 9:00 o'clock,
9 that's when the air monitor is turned on. And then when they
10 roll out about 4:30, when they're putting their stuff away,
11 that's when they shut it down. So 24 hour versus there is
12 only one third of the time that the air is being monitored to
13 where the only safety that we're looking at now is the best
14 interest of the workers. While they're working there, the
15 air is being monitored. But as a resident, they don't care
16 about us. So the two-thirds of the time, the air is not
17 being monitored. So that's when the kids are going across
18 the field on that contaminated -- when they get off the bus.

19 MR. BAIN: So let me just the clarify. I
20 disagree with your assertion that we don't care about the
21 air. That's why we have perimeter air monitor program.
22 There is also the worker safety --

23 MR. NEZ: There is only one air monitor not
24 three.

25 MR. BAIN: There are two, but then there's

1 also an air station that you guys have as a fall back, as an
2 additional check.

3 Lance, can you speak about the --

4 MR. HAUER: We're doing air monitor program.

5 MR. NEZ: Yes, exactly.

6 MR. BAIN: That's when we're anticipating that
7 there is potential, the most potential for release, but at
8 night time. I mean, if there is no dust being kicked up,
9 unless the wind picks up at night, and instead throwing dust
10 during the day and somehow remobilize what's out there. It's
11 not a -- but would you -- when you guys see this.

12 MR. NEZ: Yes, sir. Just the people were
13 saying the wind has no monitoring, so when people leave from
14 that -- the winds and the dirt dries up and the wind kicks it
15 up.

16 MR. TANDY: We can look at that. Thanks for
17 looking. Raising that. We'll talk about.

18 MR. KING: If UNC is monitoring some of the
19 activity that is going on out there, who is monitoring UNC?

20 MR. BAIN: EPA is monitoring UNC.

21 MR. KING: Shouldn't this air monitoring
22 that's supposed to be doing 24/7 caught from day two why it's
23 being shut off in the evening and not being -- not letting it
24 circulate the air 24/7.

25 MR. BAIN: Well, you know, so EPA reviewed the

1 plans that UNC provided, and we improved those plans. Those
2 were based on the realistic scenarios when the material is
3 being moved around, and it's actually being excavated, and
4 then when we expect the most of it to be generated through
5 the day time.

6 If there is concern about some night time exposure,
7 as Clancey said, we'll bring that to UNC to consider it. But
8 I would also turning back to Teddy and Chris, you guys offer
9 any evidence that that's happening at night time with the air
10 monitoring.

11 MR. SHUEY: Let me respond. I think this is
12 kind of unusual that we are put in this position.

13 This well any way, so, several years back, back in
14 2005, we obtained these particulant air monitors from on loan
15 from EPA through the TAM Center, Tribal Air Monitor Support
16 Center, which is connected with the Las Vegas EPA lab and
17 stationed at NAU in Flagstaff, and we were trained in how we
18 set them up, we built platforms for them, and we put them in
19 two different places. One along Red Water Pond Road next to
20 the Hood residence, elderly Mr. Hood.

21 And then over off the Pipe Line Road, we've
22 operated them now continuously, absent minor glitches since.
23 And at end of April 2006, we -- every six days, we change the
24 filters in the particulate monitors. Teddy was trained to do
25 it. That was one of his jobs. Those filters were sent from

1 the U.S. EPA in Las Vegas. They are analyzed for dust of PM
2 Ten is particulate matter of a grain size of no smaller than
3 ten microns, and PM 2.5 is no smaller than 2.5 microns, the
4 latter of which is the more deeply expired dealing in
5 nuclear. The larger size, largest in the upper par portion
6 of the respiratory tract. I believe -- and I think we
7 running about two to three months behind in data. We have
8 had roughly a high level of around 50 micrograms per cubic
9 meter, which is about a third in national quality air
10 standard on any 24 hour period.

11 So, from that perspective, we have not seen a dust
12 level that we extended a minute until level. On the other
13 hand, it doesn't necessity take a tremendous amount of dust
14 to deliver one dose from alpha meter. We've not an able to
15 raise the money, nor have we gotten any kind of transfusion
16 to have any of those dust samples analyzed for radioneuclide
17 concentrations which, they're still available. The lab keeps
18 them, I believe for at least three years in cold storage.
19 That's a time in which some of the longer built uranium decay
20 products and radon decay products in particular are still
21 available to be analyzed. So that's what we've done. We can
22 tell from those levels what's a window day, and what's not.
23 We cannot tell what is a windy time during the day because of
24 the 24 hour samples.

25 They cool throughout the length of the 24 hour

1 period every six days. So we would get an aggregate
2 concentration over that one 24-hour period. And that's what
3 has happened, and that's what we continue to do. And I guess
4 at this point on the record, we would request if you can get
5 some help, it would be an important source of radiation lung
6 dust, if we had the ability to get a radioneuclide analysis
7 of those dust samples, perhaps over a period of time stepping
8 back into the lifetime of the monitors, and then we can
9 continue to operate them, as we are doing.

10 I assume and maybe that was an incorrect assumption
11 that we would have access to them during the interim removal
12 action, and if we need to have some sort of agreement to do
13 that, we will enter into some sort of agreement to do that.

14 So that's the comment upon the air samples.

15 MR. GARCIA-BAKARICH: Okay. It's about a
16 quarter of ten right now and we need to give Justine a break,
17 so we're going to take about a ten minute break, and then
18 we'll come back -- and we'll just start with public comments
19 and go from there. Thank you very much for your patience.

20 (A break was taken.)

21 MR. GARCIA-BAKARICH: I think we should try
22 and get through the final portion of tonight's meeting. I'm
23 sure that you all have a lot that you would like to share
24 with us, so I would like to start this process as soon as
25 possible.

1 So now that you all have had a chance to stretch,
2 I'd like to ask that you all please return to your seats, and
3 anybody who has comments that they would like to submit for
4 the record, now is the opportunity, and I would like for you
5 to come on up, front and center, and state your name and what
6 you have to say.

7 MR. BOOMER: My name is John Boomer from Blue
8 Water Valley Downstream Alliance. Candice Head, who is kind
9 of the head of our group had a page and a half comments that
10 were made and have already been submitted. And I apologize
11 because I left before she emailed them to me, I got them in
12 Gallup, but couldn't print them because the borrowed computer
13 and printer weren't matched. I'll try to kind of reiterate
14 the points when I read them. I was thinking as I was writing
15 and I wasn't trying to keep it -- do you have them?

16 My personal comment for me being here tonight and
17 two of the other previous meetings were -- I mean, I kind of
18 wanted to reiterate, or try to resummarize what's been going
19 on. I mean, it seems like it was stated that this site was
20 selected because of being one of the worse sites that -- and
21 also the worse pollutants were sort of signaled out. I was a
22 little confused about the background, or not background
23 levels, but the -- why levels were cut off at two hundred
24 parts when the safety level was 2.24, and the contaminants
25 went up to 875 pico Curries per gram, I guess is how it's

1 stated. And I understand that the levels that material
2 that's above 200 would be isolated in the proposed plan. Is
3 that right?

4 What -- I'm sorry. You're right. Yeah, the hotter
5 material above 200 would be removed to an off site location,
6 and under 200 would be encapsulated on top of a pile. The --
7 it seems like a lot of people at the meetings I've been to so
8 far brought up some really valid questions and concerns about
9 the design that's being proposed.

10 The additional weight, I think is a valid concern
11 because when you have like a sponge saturated with water
12 sitting on the floor, and you step on it, that squishes
13 everything out.

14 So to add millions of thousands of tons on top of
15 these piles, my common sense says that more water is going to
16 be pushed out, along with the help of gravity and other
17 things that are already acting on the contaminated piles.

18 And the concern that the existing weight -- waste
19 nothing's really going to be done about that. We're putting
20 waste on -- if I understand this correctly, from Navajo
21 place, moving across to a private land, and then it will go
22 under a different jurisdiction.

23 But what's already there -- I guess I'm confused
24 about the level of danger that was existing waste and what
25 that might be doing particularly for me. The water is the

1 most important thing, although it sounds like the dust issue
2 is pretty major here, too, as it is in our area in Milan.

3 I was really concerned that the design life is only
4 about 200 years, or even to a thousand. It just seems like
5 we're kicking the can down the road for somebody else to deal
6 with, which it evolves some experience in our area that they
7 each time underestimate or vastly underestimate the problem,
8 and kind of do a -- they take a stab at fixing it and then
9 they find out why it didn't work pollutions are escaping, and
10 so they end up chasing that, and this is happening two or
11 three stages in your area, it sounds like. It's happening
12 here, too.

13 I think we all felt the emotional effects of the
14 concern of some of these people in the community here
15 tonight. And I've said this before that, you know, people
16 aren't -- people are very, you know, suspicious, and they
17 have certain idea in mind, and because that's what they're
18 operat -- that's where they coming from, and I think these
19 meetings help to -- a little to dispel some of our questions,
20 but certainly not all of them. And I think that's where
21 there's still a major problem.

22 One of the things that I -- I'm not very good at,
23 can you say Candice's comments were here somewhere? I tried
24 that earlier. We couldn't get it here, I'll just try to
25 reiterate.

1 One was that is first and foremost, our group
2 supports this community's efforts and decisions to -- for
3 Number Two, to remove all the contaminates.

4 Second, I think they wanted -- stated that they
5 want more time for community education and evaluation and
6 comments, which is what we're doing now to extend that time
7 period.

8 I think the third was to establish to the community
9 satisfaction, if -- because it feels like that when 5A is
10 being sort of sold to us, and the problem is how do we sell
11 this to the community, rather than listening to the community
12 to see if this is what they want, let's figure out how we can
13 do that.

14 But if plan 5A is to be -- continued to be pushed
15 forward like this, that we would ask that really thorough
16 background levels, and then there's a lot of questions and
17 analysis on health and suspicions about that, whether they're
18 founded or not. But this is where the community is coming
19 from. And we have the same problem over there, we've been --
20 we get certain information and find out it's not true.

21 And I think the second phrase I learned out here in
22 Navajo land is, (Navajo words.).

23 The first one is, (Navajo words.). Anyway, and
24 that means, you know, this is scary stuff, and you felt the
25 heart of it in the woman that spoke over here. The depth of

1 that fear, not so much for herself, but her children and
2 grandchildren, and that's what we all kind of have. I'm not
3 so concerned. I'm an old man, probably out live this
4 whatever exposure I might be getting in my home in Milan, but
5 I have a grand -- I have grandchildren and relatives here in
6 this area, too.

7 So, I don't remember some of the last couple of
8 details that she had on there, but it is filled with the --
9 and I hope you'll take it to heart, and I talked to long,
10 again, so thank you.

11 MR. GARCIA-BAKARICH: Thank you for your
12 comments.

13 MR. NEZ: Thank you again. My name is Teddy
14 Nez. I have about six reports or the recommendations that I
15 will be making. The first one will be the realignment of the
16 Pipeline Road.

17 Right now, a lot of people are going through the
18 contaminated area, and I think was Section 35 that people
19 just drive through and that is part of where the haulings is
20 going to be, and that's -- and then we have a lot of health
21 issues that we were concerned with, not only the Red Water
22 Pond people, but the people that travel back and forth on a
23 daily basis from Standing Rock and other community.

24 Chris, did you want to say anything?

25 MR. SHUEY: No, you go ahead.

1 MR. NEZ: Okay. So that's number one.

2 And then as far as the information that was
3 presented to us, we need to have somewhere that says report
4 back to the community, meaning that this is what the action
5 is going to take. This is what you're telling us, but the
6 end results, just like right now, the mining, the Region Six
7 have their third five-year report back to the community
8 itself.

9 So instead of the five-year report, do we want to
10 see this action certain with the internal removal action, and
11 even going back to the time critical removal action, and then
12 some report on some of the results that we need to here back
13 to the community itself?

14 And then first starting out with the six-month
15 report back to the community, and then maybe later, or if
16 everything is stabilized, go back to an annual report, or
17 things like that just to update us just to see what the
18 status is on that to the community, leaving the Navajo Nation
19 to state.

20 And then the we have concern on some of the health
21 that we have, too. And then we're trying to address these at
22 the national level, just like Obama talks about the national
23 health care. So hopefully, we can inject some of these at
24 that level to where Bill Richardson talks about the New
25 Mexico health care. And then the five-year, we've' been

1 hearing comprehensive plan, five-year plan that is for Mr.
2 Waxman.

3 So we're just hearing the plan, but how is this
4 going to happen? So the way -- our suspicion would be within
5 this five-year, or any kind of comprehensive plan we want to
6 attach some dollars fundings we can go ahead and -- just like
7 in my community, in order to take advantage of some of the
8 fundings, we had to be non-profit organization and file the
9 1C, which we don't have. So if there's going to be some
10 funding, we'd like to have that.

11 And then the last is the interim removal action
12 that's happening right now, which the government is referring
13 to as a temporary relocation program. So just like I said
14 before, the relocation where it is terrible word to some of
15 us. That's why we start addressing it as temporary housing.

16 So there's no coordinator in there. So right now,
17 we, the residents that are being moved, are in the midst of
18 massive confusion. So when we talk to Southwest Indian
19 Foundation, they say, I've got to talk to EPA. I've got to
20 go back to GE. So there's no coordinator there. So that's
21 why we try to understand what's happening, so it's -- we're
22 having a hard time doing that. So if there's going to be
23 some kind of a plan like this, have it in writing. But
24 there's already a Super Fund, a temporary relocation program,
25 which is not being addressed directly. So those are some of

1 the comments and they're written information is there. Thank
2 you.

3 MR. GARCIA-BAKARICH: Thank you for your
4 comments.

5 MR. KING: Larry King from several miles up
6 the road across from the Old Church Rock Mine. I just want
7 to make a comment. I'm still not quite satisfied with the
8 recommendations on the hauling all that dirt, all the waste
9 pile from the mine site to the mill site, stacking it up on
10 top of another -- on top of another waste site, and because I
11 know there's going to be -- most likely, there's going to be
12 problems with shifting because there's not going to be
13 removal of old materials that were left embedded in the cell
14 from what Scotty just mentioned earlier about waste materials
15 that were buried in the cell ponds since there's going to be
16 no removal, and Chris mentioned about there is probably voids
17 amongst the waste pile of the waste materials causing some
18 shift in the mounds that are going to be built on there.

19 I'm not satisfied that is going to work. It's not
20 going to work. And the amount of dirt that was estimated,
21 most likely it's going to triple, probably even four times as
22 much as what's being estimated because of the contaminates
23 that have migrated downwards, just basing off my decision on
24 how much has to be dug out on the wash -- 17 feet below the
25 wash. I could just imagine how deep the contaminant is on

1 the mine site itself. So based on that, I know there's going
2 to be more than what is being estimated being shipped across
3 to the mill site, put in another mound on there, it's just
4 going to be a huge -- more waste to look at and more
5 contaminants.

6 So I still advocate that the community -- I stand
7 behind the community that the community says total removal
8 from the area. And just like what Kathy said earlier, how
9 does this stack against all these waste piles, waste
10 shipments that is being shipped down to the WHIP site down in
11 Carlsbad with radiation a lot higher than what's going to be
12 shipped out of the Northeast Church Rock mine?

13 And what my aunt just mentioned, too, that aren't
14 we just as important as any other communities? I'm almost
15 certain that if this community were somewhere closer to --
16 let's say right back of Albuquerque or right behind Santa Fe,
17 this waste pile would have been shipped out a long time ago.

18 And somebody else mentioned earlier, why now? Why
19 is this issue now being discussed at today? Why not years
20 ago? Back in 2003 in October, in October through the
21 assistance and guidance of Chris Shuey. He has put in long
22 hours for us, he -- that's a very caring person right there.
23 He's worked with our communities for many years, and he's
24 still here today. But through his guidance, through his
25 consultant, the chapter was able to secure a grant through

1 Resolve Incorporated.

2 Through that grant, we were able to do a monitoring
3 project, Church Rock Uranium Monitoring project. We did air,
4 water and soil sampling, and through the in-kind service of
5 EPA, we were able to collect all that data. If it wasn't for
6 the data, I'm pretty sure we wouldn't be sitting here because
7 there was no such data that existed, and because of this data
8 that became available, it woke up a lot of people around us.

9 So, I give a lot of credit to Chris Shuey and
10 Southwest Research for guiding us in that direction. And
11 through the collaboration of the Church Rock officials,
12 chapter officials at that time that this survey was done, and
13 because of that survey, all that data was collected, we are
14 sitting here discussing what needs to be done with that waste
15 pile.

16 That waste pile needs to be totally removed out of
17 the community. Where it goes, I don't care, just as long as
18 it's out of here. Thank you.

19 MR. GARCIA-BAKARICH: Thank you. Ma'am.

20 MS. BENALLY: Annie Benally. I'm mad. Okay.
21 For the record, okay. I'm -- I'd like to request and make it
22 for the record that during these removal times, the first
23 removal that's being taken place right now, that we, that
24 live further back, because the road, the area that you guys
25 that have been working on is Red Rock Road.

1 We need to be moved out of there because there is
2 no way we can get to our homes. We have kids that we walk in
3 on radioactive road and whatever, radiation. They will come
4 out glowing. Go to school glowing. Whatever. I'm trying to
5 make you smile. Come on.

6 But for the record, that I am requesting that
7 people, myself, Tony, Edith, Catherine, Jackie, we all be
8 moved out, because you guys will be working on the road and
9 everything else there. There is no way we'd be going in and
10 out, trucks and all will be all right here, contaminating us
11 again. We've already been contaminated. Okay?

12 And then the second phase when you're doing the
13 home line, I also like that -- for the record to also state
14 that we also want to be included, to be moved out of there.
15 Okay. Got it down?

16 Number two. Well, I also like to request, or for
17 the record, to have cattle guards put in, because my family
18 have cattle and they're always walking on that road, and you
19 can see them because they glow. Okay? These are my requests
20 and I want it down for the record. And I want you to
21 strongly consider it. Thank you.

22 MR. HOOD: I just want to make another
23 comment. When you translate the words that are associated
24 with uranium, uranium is (Navajo words.) And some of
25 characteristics are (Navajo words), or you talk about the

1 by-products of decaying uranium. That's (Navajo words.)
2 Uranium, that is rotting. Those are negative terms. And so
3 personally, I would -- my preference is to remove all this
4 stuff away from here. That's my stand. And then I also want
5 to thank you for -- whoever is involved with the clean up,
6 but -- and then I want to share the creation story of the
7 Navajos.

8 They came up through four worlds. Each time they
9 had to vacate the -- each of the worlds because of a certain
10 individual and perpetrator. He was responsible for bringing
11 on bad stuff. So right now, we're in the Glittering World,
12 and where are we going to go if we contaminate this
13 Glittering World? Because we still have two perpetrators
14 running around. Too many coyotes. So I just wanted to share
15 that with you. Thank you.

16 MR. BEGAY: Excuse me for not standing up.
17 Scotty Begay. I, myself, as a former employee of UNC, feel
18 that all the contaminates that have been left from the prior
19 mining that took place needs to be removed away from here at
20 United Nuclear's expense, not at any government or state
21 level. Let them pay all this on their own.

22 The water, which has been destroyed, the
23 vegetation, which has been destroyed, everything that we look
24 at now, it's -- it has a purpose, but they don't see it that
25 way, just as Tony talked, ever -- of the philosophy of our

1 elders when they talk to us, we look back at those things,
2 but to corporations that come in with their agreed, they
3 want, take, and leave, and this is what we're stuck with
4 today.

5 Now you've got another corporation that comes in
6 that claims to be a UNC partner. I thought UNC was gone. I
7 have former employees that I have worked with, three to four
8 hundred of them, that are still looking for UNC, when they
9 come up looking for UNC to get their calculations of their
10 total exposures, UNC doesn't exist.

11 As we looked at the screen here, it's UNC's going
12 to do this. UNC's going to do that. Where is UNC? We need
13 to hold this company accountable for what has happened, and
14 to compensate those that are asking for -- to compensate
15 those people that got sick from it.

16 This is something that -- this radiation is going
17 to outlive all of us. It's not going anywhere. It's here to
18 stay, and we need to hold them accountable. What's up there
19 is in that mine sites, the Northeast Church Rock Mine Site
20 that they're referring to and talking about, it's an area
21 that's very large.

22 There's pits that we covered. I can go on and talk
23 about things that we did up there that we were instructed to
24 do for -- just go on and on, not only there, but down at the
25 mill site, and they do still have people that are employed

1 there that can tell them about what was done, rather than lie
2 to the community about what we have done or what they have
3 done. So I think that the ore that was there needs to be
4 picked up, and removed at their expense, at their cost.

5 And then this monitoring, they need to be monitored
6 just as Tony said, the coyote, that's United Nuclear. They
7 pulled the wool right over your eyes and that's it. I know
8 about the company. I worked for the company, so I think that
9 with what little work that you're talking about doing with
10 around the community there, where's this water that's going
11 to come -- where are they getting water from?

12 Once that top soil is disturbed, you're going to
13 get -- start a whole another wind blowing. Like he says,
14 that the wind has no limits. Ted's talking about the wind
15 comes and blows whatever direction it wants. It's -- once
16 that soil is disturbed, that top level, it's going to start
17 blowing. Where is this water going to come from? Who is
18 going to monitor the dust control? Where is all this water
19 that you're going to use, where is it coming from? The last
20 time I looked, UNC doesn't have a water tank big enough to
21 supply that much water.

22 So, there's lot of things that they can tell the
23 agencies to make you feel like they're doing the things that
24 they need to be doing, but I don't think so. There's a lot
25 of people out there that are looking for UNC, like I said, .

1 But they say UNC doesn't exist, and that's all I seen all
2 over this screen here was UNC/GE. UNC -- I didn't see any
3 GE, but I've seen UNC. But I think, I think this --
4 everything that's at the mine site, everything that's at the
5 mill site, I know it's two different things now, but, you
6 know, it's it has to be taken care of and we don't want
7 anymore mining. We don't need anymore mining, and I'm
8 totally against any kind of activity like that anymore like
9 that within the area.

10 So I stand behind the community and I stand behind
11 my word. Thank you.

12 MR. GARCIA-BAKARICH: Anybody else? Come on up
13 here.

14 MS. PADILLA: Thank you. Hello everybody. My
15 name is Nadine Padilla. Again, Multi-Cultural Alliance For
16 Safe Environment, and I also support the community's position
17 for Alternative 2.

18 My primary concern that I have with Option 5 is we
19 just don't know enough about the current ground water
20 condition. We don't know where the contamination is going.
21 We don't know how bad it is, and we don't know how bad it's
22 going to be once we put, you know, millions of more tons of
23 waste on top of the waste that already exists there.

24 And I know that's not a part of this proposal or
25 clean up plan, and the way that the plans are set up, it has

1 them separated, but the community can separate the ground
2 water from the soils. Like this is all -- the community
3 lives in this whole area. And for them, they're not issues
4 that can be separated.

5 And so to me, it's just -- it's not a long term
6 solution to put, you know, millions of tons of waste on top
7 of, you know, waste that has already contaminated the area,
8 and it's just not something that I want to have to be working
9 on forever like, probably like everybody else has. But so I
10 just would like to urge my support of Option 2. I think the
11 community here has been through enough hardship, enough
12 meetings like this, the community has paid a tremendous price
13 and now I think it's time for everybody else to pay up and to
14 do the right thing.

15 So I just urge your support of Alternative 2.
16 Thank you.

17 MR. NEZ: And good evening, again. My name is
18 Teddy Nez from Red Water Pond Road. I'd like to address the
19 monitoring, the work monitoring itself. We have seen the
20 monitoring when the project is in its working stage, so
21 there's beginning and ending of the project to where there's
22 monitoring.

23 What we want to address is the monitoring after the
24 job is done. So for example, this time critical removal
25 action that happened, we have never seen any results, or

1 there's no after monitoring that has been done.

2 So with this what's referred to as Super Fund
3 temporary relocation that's happening right now, so we are in
4 the midst of moving right now.

5 There's new coordinator, either people are just
6 passing the buck to each other like between the Southwest
7 Indian Foundation, U. S. EPA, the GE, so they said there's
8 supposed to be -- there's no control. So that's a good
9 example of the beginning, which is in August and then the
10 project is going to end somewhere in December.

11 So there's monitoring that's going to happen, but
12 we want to be monitored after, or what we referred to as long
13 term protection, meaning that we have revegetation. We've
14 seen revegetation at time critical removal. The first time
15 it real -- all that revegetation washed out and the wind took
16 some of that. And so with this revegetation this go around
17 with the we want to have it monitored for ten, 20 years. And
18 then at the same time, we want to see any regulations.

19 Right now, anything that's happening within the
20 plan is within what the -- to see if what the public laws
21 are. So those are some of regulations that people are
22 talking about, process and procedure. But that's within the
23 box. We want to go outside the box. We want to have NRC,
24 DOE and the U. S. EPA collaborating and then talking to each
25 other, not blaming each other at the state level, at the

1 Navajo Nation level.

2 So these are some of the things that we're hopeful
3 that would happen that would be the outcome of some of these
4 -- some of these roads and reclamations meeting, the public
5 hearing meeting. I'm saying this because the United States
6 government pick Northeast Church Rock Mine to be priority
7 one. So whatever example that we set, whatever we do is
8 going to be the example for the other community within the
9 Navajo Nation.

10 MR. GARCIA-BAKARICH: Thank you.

11 MS. NEZ: My name is Vanessa Nez and I live at
12 Red Water Pond Road. Teddy is my dad, and I'm concerned
13 about monitoring after clean up, the uncertainty of fears
14 about living with long term chronic exposure to radiation
15 have effected our family, not only physically but
16 psychologically.

17 The reactions reminds my dad of a Vietnam veteran
18 of the symptom of Post Traumatic Stress Disorder that he and
19 his comrades suffered after the combat experience during the
20 war.

21 People in the family have -- get mad and the other
22 times they feel numb, unable to express emotions towards
23 friends and other family members. Some family members try to
24 avoid reminders of the fact that they live just a few yards
25 from the contaminated soil that's 50 to one hundred thermal

1 ground radiation. But it's no use not talking about it. It
2 does not remove the fears from their minds.

3 Fears about loves ones who are sick about the
4 damage already done and about whether their children have
5 been placed in future risk. The burden of guilt and worry
6 and lack of control relentless pressure. That worry creeps
7 into their sleep. They experience vivid and intense
8 nightmares about the mine and about where the earth is
9 supposed to nurture them becomes a danger.

10 Those who are old enough to remind the time when
11 the mines were in operation have waking dreams and flashback
12 in which they hear the doldrums of generators and the rumble
13 of uncovered trucks and used -- that used to haul off tons of
14 radioactive soil billowing across the valley and settle on
15 their land.

16 Children meanwhile, respond to simple triggers like
17 hearing the words, uranium in school, and even the word
18 yellow, which cause to mine uranium yellow cake. That's
19 simple, seemingly harmless words distract them from their
20 school work as they obsess around whether the family and
21 animals are safe.

22 My nephew, 12 years old is always checking on his
23 sheep, concerned that some appear to be turning yellow as
24 they graze the edge of the contaminated arroyo, no more than
25 a stone's throw.

1 Residents at Red Water Pond Road say that they have
2 been traumatized by watching their loved ones suffer with
3 disease and with the knowledge that they are living day in
4 and day out surrounded by radioactive water -- air, water,
5 soil. They feel that the land's physical well being has been
6 invaded. They fear relocation, a powerful term in a heavy--
7 is heavy with the history of forced removal of Native people
8 from their land.

9 My dad's family exists in the state of uncertain of
10 how long they will be able to remain on our beloved home
11 land. Where the -- the family has lived for at least seven
12 generations. They fear that if they're forced to move, they
13 will not be able to continue their way of life where children
14 reign among grandparents who can pass down their tradition,
15 or anything the younger generations have left, they are
16 reluctant and sad to do so, but those who have been left are
17 also unwilling to go any place the children in harm's way.
18 No one told the parents and grandparents of the dangers of
19 the mines.

20 In good conscience, some of the young adults say
21 they cannot knowingly subject their children to these
22 dangers, but their decisions to leave force -- they are
23 losing the closeness, the cohesiveness of the their families
24 and their traditions. They are forced to sacrifice their
25 children's culture education to protect their health. The

1 entire family is suffering psychological stress, as they see
2 loved ones who come to cancer, respiratory problems, and a
3 host of other suspicious symptoms.

4 They are caught between protecting their health and
5 protecting their culture and family life, an undesirable
6 choice, to say the least. They've waited decades for a
7 investigation and for action. They do not want to have to
8 choose between their health and their way of life. What we
9 want is long term protection, and I support the Plan 2, to
10 take all the uranium away.

11 MS. SLIM: My name is Janelle Slim, and I want
12 a comprehensive health study done and for all the mining
13 waste to be removed off site.

14 MR. SHUEY: My name is Chris Shuey. Let me
15 start talking while it comes back on because I really need
16 that graphic.

17 So, I guess that for the public comment here, the
18 things I have to say, it's difficult to disconnect the
19 current interim removal action from the subject of tonight's
20 hearing, which is the Engineering Evaluation and Cost
21 Assessment, because they're really addressing the part --
22 different parts of the same big problem.

23 It's a good thing we're here as Larry Kind said,
24 this -- we wouldn't probably be here if the community had not
25 said eight, nine years ago, that we need to find out what the

1 impacts of the uranium legacy were in Church Rock at that
2 time 20 years after the mines had shut down.

3 We identified the contamination problem at the Red
4 Water Pond Road very early in that process with the help of a
5 lot of people, including the EPA, we acknowledge that, we
6 appreciate that. All of you, Andy and others, who
7 participated in that. And so it's a good thing that we're
8 here.

9 But this is one of the most toughest decision that
10 probably anybody has ever had because there's really from
11 both public health and environmental perspective and from the
12 community's perspective, there's really no win.

13 I want to address, and I'll save that -- I want to
14 address the extent of contamination in the community. Do we
15 have a pointer? So the concern is that roughly -- okay. So,
16 the home owners in this area, the occupants have been well
17 identified, they have identified themselves, so we're not
18 revealing anything by talking about them.

19 But between the Nez home and the Nakai home, across
20 this home, approximately in this area, was a sample point
21 collected by one of our collaborators, Christine George, and
22 it came back with a uranium concentration of about 27
23 milligram -- micrograms of -- well-- milligrams per kilograms
24 dryway, which is about 27 parts per million.

25 Given the connection with radiant soils that's on

1 the order of ten, 12 per radium concentration. My
2 understanding was that there was some follow up survey done
3 in this area that would -- that did not confirm the presence
4 of contaminates above the action level. I think that we need
5 to -- I could not find in the administrative record any of
6 that data that was done in this area post the time that
7 Christine had collected her samples that some of us
8 participated in, Gerald Brown and myself in particular.

9 So it remains, in my view, a concern that, as Annie
10 Benally has expressed, that the people up this area, are
11 still protected. I don't now know that, and because I can't
12 find the map, and this particular map does not have dots to
13 that side of arroyo, I think that, for the record, it's wise
14 to request that an additional soil survey be conducted in
15 this area to either confirm, or not confirm the current
16 understanding of the lack of contamination in this area.

17 You'll notice that this is a home that is subject
18 to the current temporary housing. There's a home over here
19 that's subject to the family that is subject to the current
20 temporary house. And there is this one right here, and the
21 mine water arroyo goes down through here.

22 There's less than half a football field, maybe 60,
23 70 feet that separates this home from this, these homes, and
24 that's where Tony Hood and Edith Hood have testified
25 tonight.

1 This is a very thin demarcation of people to say
2 that it's not safe on this side, but it's safe on this side.
3 From a public health perspective, it's very difficult to
4 justify a decision in which a removal action is separating
5 families that live essentially next door to one another by
6 the absence of contaminants above the action line.

7 The testimony of Edith is pretty important to the
8 extent that children, most sensitive members of our
9 population to all forms of toxicant exposure, whether it be
10 radiation or heavy metals, are walking down the -- what I
11 referred to as the southern portion of Red Water Pond Road
12 dirt interim removal action in which dirt is being moved.

13 Some provision must be made to protect the health
14 of those children, either an arrangement has to be made for
15 compensation to the school district to drive the bus down
16 there, or better yet, some mode of transportation to get to
17 them out to here, so that the bus doesn't have to come in
18 this area.

19 As Annie said, the best solution right now is
20 probably temporary housing for those folks, too. The -- I'm
21 not sure that any of the alternatives protect public health.

22 The reason I say that is regardless of whether 5A
23 or 2 is exercised, you're talking about excavation of mine
24 site covering a four to nine year-period involving tens of
25 thousands of truck loads of material. I didn't see anything

1 in the record that suggested that there was alternatives
2 considered to the removal of the waste.

3 It's only by truck coming out this entrance, going
4 down to the tailings spot, from what I could tell. Now, I
5 admit I have not read all 563 pages to the administrative
6 record. I don't know if conveyor belts were, you know, are
7 common in sand and gravel operations in coal mines, which we
8 have a bunch of around here, was ever considered to say, oh,
9 from the mesa down to the mill site for a truck staging
10 area.

11 I don't know if EPA considered any other mode of
12 transportation for Alternative 2 other than truck. I don't
13 know if there was a discussion of some sort of rail
14 transport.

15 The sad fact of the matter is the Route 566 is the
16 only ingress and egress to this community through which, at
17 least from what we can tell, the waste would be removed.
18 That represents ten miles of -- actually with the mile
19 markers next to Red Water Pond Road, it's 11 and a half miles
20 down here to 566, and then you have by 566, a certain
21 distance over to Interstate 50 either route to Exit 26, or to
22 Exit 33. So there is substantial amount of potential impact
23 just in this community from trucking.

24 On the other hand, there seems to have been in the
25 history of the site, a disregard for the fact of one, there

1 was not a tribal trust land, and two, the time the site of
2 the mine this close to where people live because there were
3 people living here at the time that the mine came in.

4 I don't believe that the Navajo Nation received any
5 kind of royalties because these were not tribal minerals
6 underneath. I don't believe that there been any royalties or
7 surface access agreements other than the one in 1959, which
8 was for ten dollars, not ten dollars an acre, or ten dollars
9 a year, ten dollars for hundreds of thousands of acres.

10 So, there's really been no compensation to anyone
11 connected with the Navajo Nation, or a local community for
12 occupancy of this mine on this particular site. So it really
13 shouldn't matter by now how much it costs to do anything to
14 get this waste out of here.

15 I find it hard to reconcile, given what we know
16 about the hazards of living in proximity of uranium mines for
17 public health,. Why -- I understand why it's important to
18 remove people from the source of exposure during this interim
19 action, but I can't understand the rational of moving them
20 back in and then spending more 49 years moving contaminated
21 materials around here, and letting the people still live
22 there. That seems to me to be mimical to protecting the
23 public health -- not protecting.

24 You know, we have to be careful what we say in
25 public, with respect to the results of our health studies for

1 the Dine project because we are governed by the rules of the
2 Navajo Human Research Review. We have talked in the past,
3 recent past about preliminary results that had clearly
4 indicated that there was a significant association between
5 people who live within half a mile of mine sites and certain
6 disease inlets, all of which have biological plausibility of
7 connection to exposure to uranium, a well documented kidney
8 -- and those were diabetes, hyper -- chronic kidney disease
9 at the time we first did those runs a year and a half ago.

10 We are now working on the latest results and Dr.
11 Lewis will share those with the two legislative committees on
12 September 10th pending approval of Navajo IRB of our latest
13 results for public dissemination. They're a much stronger
14 set of conclusion now than they were a year and a half ago,
15 or two and a half years ago when we first started doing the
16 legislative record on self-reported survey data connected
17 with the environmental monitoring data of which this area
18 plays an important role.

19 Suffice it to say now for the record, that it is
20 not safe for people to be living in close proximity to mine
21 sites. And by mine sites, we mean what EPA has coined the
22 term, mine futures. Waste dumps, open pits, underground
23 mines, open shafts. One of the key findings that we can talk
24 about is the fact that the closer you live, the more
25 opportunities you have for exposure.

1 Herding animals, every one of these community
2 members that have cattle up in this area and sheep up in this
3 area, have one time or another, gone through or crossed these
4 mine site or the contaminated areas.

5 People lived in contaminated areas without moving
6 it for many, many years. People built homes in the
7 contaminated areas without knowing it. So the opportunity
8 for exposure in the uranium districts, at least on the Navajo
9 side with Grants Mineral Belt, have been substantial and they
10 have resulted in ill health.

11 I believe that the community has pointed to an area
12 off this map. It's in the canyon to the north. It's about a
13 little less than a mile, depending on how far north, in which
14 we do not believe that there is contamination, nor do we
15 believe that there's any sources of contaminates.

16 By the way, this is not at the surface or near the
17 area, by that I mean it is not in an area that contains
18 uranium in it's the settlings. The bed rock in this area are
19 all mid-cretaceous age. They have no uranium deposits. When
20 one of our colleagues and the rest of us did soil sampling in
21 this area, we bounded that by soil sampling that in a wide
22 range of areas and throughout this region to get
23 representative samples from the represent to what you would
24 call background what the Marsum strategy says is non-impacted
25 areas.

1 We had an internal debate of what the crust of
2 average readings concentration was. And I had colleagues
3 saying, well, if it's five parts of a million uranium, that's
4 probably natural. I said that it's lower than that. The
5 highest single sample we got was 2.6 PPM uranium. Average
6 over 67 some background non-impacted area samples was less
7 than one part per million reading.

8 So in this particular area, we have low uranium
9 concentrations natural. It's only what's in the brown in the
10 that is high. And those are only at the surface as a result
11 of the mining acts.

12 My understanding is that as I think Andy has said,
13 that the engineering work for whatever alternative is
14 selected comes after this decision. This is a difficult
15 process, legally to understand. I've talked with Mr. Kerr
16 about it earlier. It feels like we are being -- well, the
17 community is being asked to contribute comments when not much
18 of the work to get to a final solution has actually been
19 done, and that did not disparage all the work that you guys
20 have done.

21 You have done a lot of work, but it doesn't seem
22 like we're really at a decision making stage. Yet, they will
23 be as a result of your decision, some sort of action memo.
24 And the reason that I ask questions about the waste volume
25 and other people ask questions about the waste volume is what

1 happens if it's found that you have twice as much mine waste
2 here than you calculated, and you have to turn around and
3 say, disposal on the tailings pile is not a good idea. Then
4 what do you do? Do you reopen the record? Do you do the
5 whole thing all over again?

6 You know, when we stand up here and make these
7 comments, we risk delaying the ultimate remedy. We understand
8 that. I understand it's tough to stand up here and make
9 these kinds of comments. On the other hand, it seems that
10 one of the weaknesses in the response in the Super Funds
11 response is that these issues, these ancillary issues that
12 the community has raised don't get addressed.

13 There needs to be, as Mr. Nez advocated, a whole
14 realignment around 566. Better ingress and egress for not
15 only the Red Water Pond Road but the Pipeline Road people.
16 No more Pipeline Road going through UNC's restricted area.
17 Part of it does. People have gone through that now for
18 however many decades, and we've only figured out ever since
19 the program that that was a contaminated area up there, too.

20 I think that some way in the law there has to be a
21 provision, or there has to be -- provisions have to be
22 interpreted to allow for the payment of new homes in the
23 traditional use area of the residents to separate them from
24 the contamination and separate them from the works at the
25 reclamation of the mine site.

1 I cannot believe that the Super Fund law would ever
2 have been intended to have the result of cleaning up sites
3 that end up poisoning people once again. That cannot be the
4 intent of the law. I don't think that's what Congress
5 meant. I'm not a lawyer, but I can't believe that's what
6 should be the end result.

7 Let me just say finally that United Nuclear had the
8 opportunity to do what's right in 1975 when it received a
9 letter from the Mining Minerals Division of the State of New
10 Mexico, saying you have an existing mine, it's under the
11 terms of the Mining Act of the State of New Mexico. We
12 request that you submit a reclamation plan. UNC said, no
13 we're not under the authority of the law. And UNC declined
14 to submit a reclamation land.

15 The Mining Minerals Division Commission issued
16 another notice of violation. United Nuclear took that court
17 and sued the State over that reclamation order. It either
18 got a district court to set aside the order on the grounds
19 that the NRC regulates mining, which it doesn't, and never
20 did.

21 Well, eventually the State Court of the Appeals
22 overturned the District Court and on a Petition for
23 Certiorari, I believe the United Nuclear was denied, and the
24 case from 1995 to roughly January -- December 2003, that's
25 about seven years that that company could have been doing

1 what's right and started cleaning that site and perhaps under
2 State authority at the level, probably less than what EPA is
3 proposing right now.

4 So, I don't know how GE got involved in this, I
5 don't think that's material now. The fact of the matter is
6 that General Electric now has the chance to do what's right.

7 Remove there stuff, pay the cost to do it, move the
8 people and do what's right to protect the health care. It
9 doesn't really matter at this point, you have a social
10 responsibility to repair the damage that has been created for
11 30 some years on what may have been the on illegal occupation
12 of that site. Thank you.

13 MR. GARCIA-BAKARICH: Is there anybody else who
14 wants to make a comment. We can be done? With that, I'd
15 like to thank you all for staying with us. That's four and a
16 half hours. That's quite a presentation. Thank you very
17 much for coming.

18 The transcripts from this meeting and prior meeting
19 will be made available. They will be included in our final
20 record for the decision. They will also be posted on line
21 for people to review it, and we will be working on a response
22 summary. I'd also like to remind after the public comment
23 period closes on September 9, .

24 I'd also like to remind everybody that we will
25 still be receiving written comments up until September 9.

1 So if you have anything else that comes to mind
2 within the next week or so, please let don't hesitate to
3 write. Thank you very much everybody.

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