



April 9, 2024

Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20503

Dear Chair Mallory,

As the Governors of Arizona and New Mexico, we write to request that the Council on Environmental Quality (CEQ) take a leadership role to ensure federal focus on, and investment in, remediation of long-standing uranium contamination on state and Tribal lands. Hundreds of abandoned uranium mines have posed significant and ongoing environmental risk to our residents for far too long. To address longstanding legacy uranium mining impacts and pollution, we must bring appropriate national attention to the issue and undertake a full and complete cleanup and restoration of our land and water.

Most uranium mining started in the 1950s prior to the environmentally protective federal and state statutes promulgated in the 1970s. As a result, many uranium mining sites that were explored or mined were not reclaimed or remediated in accordance with protective regulations, and many were left abandoned with no cleanup actions to date. Reclamation and remediation of former uranium mines that are permitted by federal regulatory programs may be performed using responsible party funds and financial assurance, but no such program exists for abandoned uranium mines, as there was no requirement for financial assurance when these mines were in operation.

All abandoned uranium mines contain radioactive material wastes, whether they are found on private, federal, state, or Tribal lands throughout our region. Cleaning up abandoned uranium mines will require billions of dollars of investment over the coming decades. However, these investments create jobs while improving public health and the environment. Current federal funding available under hard rock abandoned mine lands programs is insufficient for the scale and complexity of the abandoned uranium mines challenge, which requires unique protective measures during cleanup to ensure containment, licensed specialized waste repositories, and long-term maintenance.

Our country has a long history of uranium mining in support of national interests, especially national security, which is why it is incumbent upon the federal government to financially assist with clean-up. Legacy sites range from underground mines accessed by deep shafts to small near-surface excavations, and the Defense-Related Uranium Mines program under the Department of Energy is currently conducting assessments for each known site. The program is limited to reporting and physical safeguarding and cannot perform reclamation or remediation. Abandoned uranium mines are directly related to the United States' defense efforts and the cost for their cleanup is beyond the ability and responsibility of impacted states and Tribal nations to fund.

Arizona

Arizona has almost 400 abandoned uranium mines according to one estimate, approximately 60 of which are on state and private land. Most of these have not been inventoried or evaluated to determine the risk to public health and the environment, but Arizonans have experienced adverse effects. For example, in 2009, uranium was detected above safe drinking water standards at the Windsong Water Company in rural and economically challenged northeastern Arizona, which launched years of investigations, ADEQ enforcement actions, referral to EPA, and discussions with the Navajo Tribal Authority. The system continued serving uranium-contaminated water until it was consolidated with a system on Navajo Nation land in 2016. This one system required significant state staff resources to ensure a safe source of drinking water for people who rely upon it as their only source of water. And our work to ensure drinking water free from uranium contamination across the state is far from complete. Arizona's recreational sites also have been impacted by historic uranium mining. For example, two campsites near Workman Creek (east of Phoenix) were closed to overnight camping by the United States Forest Service due to elevated levels of radiation caused by historic uranium mining. Arizona has no dedicated funding source to address abandoned uranium mines.

New Mexico

New Mexico has over 250 abandoned uranium mines and is estimated to have a minimum of 50 abandoned uranium mines on state and private lands that are not being addressed under a comprehensive regulatory program and do not have the funding required for cleanup. New Mexico was the largest producer of uranium ore (supplying over 35 million tons, which amounts to nearly half of total domestic ore) and suffered from one of the largest radioactive environmental disasters in American history. The effects of the Church Rock uranium mill spill in 1979 are still seen today. Just 60 miles away from that event, the San Mateo Creek Basin produced more uranium than any other district and remains under a 2009 Health Advisory due to known uranium contamination. The underlying San Andres-Glorieta aquifer is the only regional aquifer capable of yielding a municipal water supply for nearby communities and is under severe threat until cleanup occurs. In 2022 New Mexico passed House Bill 164, Uranium Mine Cleanup, and is in the process of identifying, planning, and obtaining funds to

reclaim abandoned uranium mines. The bill created the Uranium Mining Reclamation Revolving Fund to serve as the mechanism to receive federal funds and authorized New Mexico to proceed with this important work.

In order to build upon these state efforts, we are asking you to identify an operational lead out of CEQ to collaborate with our states and Tribal communities to make strategic decisions with us on behalf of the many federal executive agencies who share jurisdiction on these issues. These agencies include: Department of Defense, Department of Energy, Department of the Interior, Nuclear Regulatory Commission, Environmental Protection Agency, and Department of Agriculture. Often these agencies have multiple program or geographic focuses which further expands the organizational jurisdictions. The lack of a single point of contact at the federal level means states are coordinating with multiple agencies and agency regions, which impedes the decisive action needed to bring meaningful change to these communities. In turn, our states will do the same, identifying a single point of contact for all executive agencies in our states to work with the federal government and Tribal leaders toward swift action on this longstanding injustice.

We appreciate your consideration of our request to initiate a strategic partnership between our states, the federal government, and Tribal communities and we look forward to your response.

Sincerely,



Katie Hobbs
Governor of Arizona



Michelle Lujan Grisham
Governor of New Mexico

cc:

Merrick B. Garland, U.S. Department of Justice, Attorney General

Lloyd J. Austin III, U.S. Department of Defense, Secretary

Jennifer M. Granholm, U.S. Department of Energy, Secretary

Deb Haaland, U.S. Department of the Interior, Secretary

Michael S. Regan, U.S. Environmental Protection Agency, Administrator

Carrie M. Safford, U.S. Nuclear Regulatory Commission, Secretary

Thomas J. Vilsack, U.S. Department of Agriculture, Secretary