

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8D: URANIUM MINING

SUBJECT:

The City of Virginia Beach has requested that the HRPDC consider adopting a resolution opposing the lifting of the state moratorium on uranium mining.

BACKGROUND:

In 1982, the General Assembly enacted legislation prohibiting the mining of uranium in Virginia. This action was taken following the discovery of a substantial deposit of uranium near Chatham in Pittsylvania County. The issue was not revisited until 2007, when the price of uranium increased significantly, thus renewing the business interest in mining. This has led to reconsideration of the moratorium on uranium mining.

A series of studies has been completed by the National Academies of Sciences at the request of the Virginia Coal and Energy Commission, by several private entities and by the City of Virginia Beach since 2007. These studies have addressed the gamut of issues associated with uranium mining, including technical, economics, environmental impacts, water supply impacts and the regulatory framework. The McDonnell Administration established the Uranium Mining Work Group, consisting of staff representatives from the Virginia Departments of Environmental Quality, Health, and Mines, Minerals and Energy to assess whether the moratorium should be lifted and, if so, under what conditions.

The HRPDC Legislative Agenda for 2012 included the following statement: “The HRPDC requests the General Assembly maintain the moratorium on uranium mining or the consideration of such, until at least the 2013 General Assembly session. Furthermore, the General Assembly is requested to direct the Department of Mines, Minerals, and Energy to not pursue development of regulations for uranium mining until after completion of and full consideration of the studies, which are presently underway.”

In 2008, the City of Virginia Beach adopted a resolution conditionally opposing uranium mining in Virginia and the lifting of the legislative moratorium. In June 2012, the City adopted a resolution reaffirming its opposition, based primarily on the unlikely but potentially severe adverse impacts on the region’s water supply if a catastrophic precipitation event were to cause a breach of a tailings disposal cell. Since that time, the Cities of Chesapeake, Norfolk and Suffolk have adopted similar resolutions.

Mr. Tom Leahy, Virginia Beach Director of Public Utilities, briefed the Commission on this matter at the July 19, 2012 Quarterly Commission Meeting.

The HRPDC staff has prepared the attached Resolution for consideration.

RECOMMENDED ACTION:

The HRPDC staff recommends the Commission adopt Resolution 2012-02 "Opposing the Mining of Uranium in Virginia."

Attachment



**HAMPTON ROADS PLANNING DISTRICT COMMISSION
RESOLUTION 2012-02**

**RESOLUTION OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION
OPPOSING THE MINING OF URANIUM IN VIRGINIA**

WHEREAS, the 2012 Legislative Agenda of the Hampton Roads Planning District Commission, adopted on December 15, 2011 included the following statement concerning uranium mining: The HRPDC requests the General Assembly maintain the moratorium on uranium mining or the consideration of such, until at least the 2013 General Assembly session. Furthermore, the General Assembly is requested to direct the Department of Mines, Minerals, and Energy to not pursue development of regulations for uranium mining until after completion of and full consideration of the studies, which are presently underway.”; and,

WHEREAS, the Hampton Roads Regional Water Supply Plan, completed in July 2011 and approved by twenty-seven cities, counties and towns in Hampton Roads, points out that the Lake Gaston Project operated by the City of Virginia Beach is an important component of the Hampton Roads region’s water supply; and,

WHEREAS, water demand projections indicate that the region’s existing water sources, including Lake Gaston as an essential component, are adequate to meet the region’s future water needs; and,

WHEREAS, during droughts, the Lake Gaston Project provides up to one-third of the water the Norfolk, Virginia Beach and Chesapeake water systems including major military activities, and the loss of the Lake Gaston Project for an extended period of time could result in water shortages far greater than those experienced during the 1980-1981 drought; and,

WHEREAS, in 1982, the General Assembly enacted legislation prohibiting the mining of uranium in Virginia, and the issue was not revisited until 2007 when the price of uranium increased significantly, thus renewing the business interest in mining; and,

WHEREAS, since 2007, a series of studies has been completed by the National Academies of Sciences (NAS) at the request of the Virginia Coal and Energy Commission, by various private entities and by the City of Virginia Beach; and,

WHEREAS, two economic assessments of the proposed Coles Hill project found that one large, or several small, accidents or releases would significantly reverse the economic benefit of the project even if no serious harm to people of the environment occurred; and,

WHEREAS, the study by the NAS indicates that: (1) disposal cells in which radioactive tailings are stored represent significant long-term risks for radiological and other contamination; (2)

limited data exist to confirm the long-term effectiveness of uranium tailings disposal cells; and (3) extreme natural events combined with human error have the potential to result in the release of contaminants if disposal cells are not designed, constructed or maintained properly, or if such cells fail to perform as envisioned; and,

WHEREAS, the NAS study concluded that the Commonwealth of Virginia has no experience with uranium mining, that the federal government has little or no experience applying existing laws and regulations to states with wet climates and extreme precipitation events and that there are gaps in legal and regulatory coverage for activities associated with uranium mining; and,

WHEREAS, it is acknowledged that if all of the tailings are secured in properly designed, constructed, and maintained below-grade disposal cells, the likelihood of a major release of tailings to surface water is significantly reduced; and,

WHEREAS, although existing regulations indicate that below-grade disposal of uranium tailings is preferable to above-grade disposal, exceptions have been made for environmental reasons, such as conflict with groundwater conditions, or for reasons of economic feasibility; and,

WHEREAS, the NAS study specifically dismissed the notion that below-grade disposal of tailings would automatically be required, noting that the first mine and mill permit to be issued in more than three decades allowed partially above-grade disposal cells, notwithstanding the fact that the safest and most environmentally sound solution was below-grade disposal; and,

WHEREAS, studies completed for the City of Virginia Beach evaluated the downstream water quality impacts of a hypothetical, catastrophic breach of a single, above-grade uranium mine tailings disposal cell located near Coles Hill; and,

WHEREAS, the City of Virginia Beach studies indicate that in the aftermath of an assumed catastrophe, radioactivity in the main body of Lake Gaston would remain above state and federal regulatory levels for up to two months during wet years and six to sixteen months during dry years; and,

WHEREAS, for a number of legal, regulatory, political, institutional and technical reasons, it is highly likely that a major release of tailings downstream from the Coles Hill site would force the City of Virginia Beach to discontinue pumping of the Lake Gaston Water Supply Project, at least until contaminant levels had dropped well below state and federal regulatory levels; and,

WHEREAS, a release of radioactive tailing such as that modeled in the Virginia Beach studies would have devastating adverse economic and other effects upon the City of Virginia Beach, the Hampton Roads region and the localities adjacent to and downstream of the Coles Hill site; and,

WHEREAS, operations vital to maintaining the nation's defense readiness at the military facilities located throughout Hampton Roads could be adversely impacted by water shortages that could result from a significant release of tailings, especially during a dry period; and,

WHEREAS, even a release of radioactive tailings of lesser proportions than the worst case scenario modeled in the Virginia Beach study would result in serious economic impacts to those areas even after radioactivity levels declined to levels within legal limits because of the

inevitability of negative public perceptions and the resultant damage to the region's images and reputations as attractive business and vacation destinations; and,

WHEREAS, it is absolutely clear, based upon the NAS and other studies, that it cannot be demonstrated to a reasonable degree of certainty that there would be no significant release of radioactive sediments downstream of the Coles Hill site; and,

WHEREAS, in 2012, the Governor convened the Uranium Mining Work Group to determine an appropriate regulatory framework governing uranium mining and to provide a report in advance of the 2013 Session of the General Assembly; and,

WHEREAS, while the probability of a major tailings release is small, the adverse consequences of such a release would be enormous and unacceptable.

NOW, THEREFORE, BE IT RESOLVED, that the Hampton Roads Planning District Commission reaffirms its opposition to uranium mining and to the lifting of the moratorium on uranium mining which has been in effect since 1982.

APPROVED AND ADOPTED by the Hampton Roads Planning District Commission this 20th day of September 2012.

Thomas G. Shepperd, Jr.
Chairman

Dwight L. Farmer
Executive Director/Secretary