

Governor Bill Owens
1363 State Capitol
Denver, CO 80203-1792 March 15, 20002

Dear Governor Owens,

Public Employees for Environmental Responsibility (PEER) is alarmed about the State of Colorado's decision to permit radioactive waste from the Maywood Chemical Superfund site in New Jersey to a uranium mill in Colorado for disposal. On August 31, 2002, without National Environmental Policy Act (NEPA) documentation, the Environmental Protection Agency made the decision to turn the Cotter Corporation Canyon City Uranium Mill (Cotter) from a mill into a commercial radioactive waste disposal facility. NEPA, 42 U.S.C. §§ 4321-4347. (See attached, Letter from PEER to EPA requesting preparation of an Environmental Impact Statement.) PEER respectfully requests that the Governor step in and call for state-wide public hearings on the matter. We believe that the people of Colorado should have a say in whether the state becomes a dump for the rest of the Country's waste.

The Maywood Superfund site plans to send up to 470,000 tons of radioactive mill tailings by rail from Maywood, New Jersey to Canon City, Colorado. This translates into five rail cars a day for up to five years making their way from New Jersey to Canon City. We are alarmed because allowing Cotter to accept radioactive mill tailings opens the flood gates for accepting other states' waste in Colorado. We request that the process be immediately halted until EPA completes an Environmental Impact Statement considering the environmental impacts and alternatives to using the Cotter Mill.

PEER is a national, nonprofit alliance of local state and federal resource professionals -- scientists, land managers and resource officers-- dedicated to upholding environmental laws and values. PEER is a service organization for government employees and contractors charged with safeguarding the nation's natural resources. PEER works with and on behalf of employees on the inside to affect change in the way their resource agencies conduct the public's business.

The intent of NEPA is to prevent environmental damage and ensure that agency decision makers take environmental factors into account. 42 U.S.C. § 4321. NEPA requires that an agency proposing an action that has a significant effect on the environment, prepare an environmental impact statement (EIS) prior to implementing the proposal. 42 U.S.C. §4332(C). EPA, which significantly relies on federal funding, has failed to prepare any NEPA documents in making the decision to allow Cotter to become a waste disposal facility.

Furthermore, NEPA mandates consideration of alternatives to the proposed action and provides an opportunity for public comment on that consideration prior to a final decision. 42 U.S.C. §§ 4332(C)(iii), (E). The EIS would consider alternatives to the current practice, like considering other places to send the waste. And most importantly, NEPA allows the public to be included in the process. Through scoping, comment

periods and public hearings the people of Colorado and the nation can participate in a decision which could directly effects them and their families.

When Cotter was considered as a disposal site for the Shattuck Superfund Site waste, the Canyon City community and the state was outraged. The public screamed about the city image as "the city that glows," transportation safety, airborne radioactive material, ground water seepage into the community water and systems. The Maywood Site waste is similar in radioactivity than Shattuck waste and is not as safe to transport. The CDPHE decision to allow Cotter to go from milling to becoming a commercial radioactive waste site was made with no public involvement. We hope that as a representative of Colorado citizens you will halt this action and demand public hearings. Please feel free to call me to discuss this further.

Sincerely,

Chandra Rosenthal
Director, Rocky Mountain PEER

Cc: Senator Wayne Allard
Senator Ben Campell
Congresswoman Diane DeGette
Congressman Scott McInnis
Congressman Mark Udall