



State of Utah

AUG 24 1999

DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF RADIATION CONTROL

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August 23, 1999

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUIRED**

Mr. David Frydenlund  
Vice President and General Counsel  
International Uranium Corporation (USA)  
Independence Plaza, Suite 950  
1050 17th Street  
Denver, CO 80265

Re: White Mesa Uranium Mill: Notice of Violation and Groundwater Corrective Action Order,  
Docket No. UGW20-01.

Dear Mr. Frydenlund:

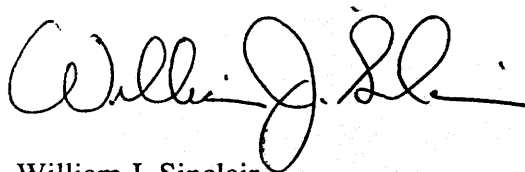
Transmitted herewith is a Notice of Violation (NOV) and Order, Docket No. UGW20-01 from the Utah Water Quality Board regarding groundwater contamination recently discovered on the White Mesa uranium mill site near Blanding, Utah. This Order is based on results of groundwater monitoring conducted in conjunction with the International Uranium Corporation (IUC) during May, 1999. Due to the elevated contaminant concentrations found in these groundwater samples, we find it necessary to proceed with a formal enforcement action in order to pursue a satisfactory resolution of this matter.

In addition to the chloroform discovered in IUC monitoring well MW-4, four (4) other pollutants have been identified in the wells sampled which appear to be in excess of State health based groundwater standards, including: gross alpha [MW-2, MW-3, MW-4, MW-12, MW-14, MW-15, MW-17, MW-18, and MW-19], nitrate + nitrite (N) [MW-4], manganese [MW-1, MW-3, MW-4, MW-11, MW-14, MW-15, MW-17, and MW-18], selenium [MW-15], and total uranium [MW-3, MW-4, MW-14, MW-15, MW-17, MW-18, and MW-19]. Three (3) other potential indicators of groundwater pollution were also found in concentrations below State health based groundwater standards, ammonia, iron, and tetrahydrofuran. We request that you include all of these contaminants in the Groundwater Contaminant Investigation mandated by the attached order.

Mr. David Frydenlund  
August 23, 1999  
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We urge you to direct your immediate attention to this matter. If you have any questions on this NOV and Order, please contact Loren Morton at (801) 536-4250.

Sincerely,



William J. Sinclair

WJS/LBM:lm  
attachment

cc: Dianne Nielson, DEQ (w/attach.)  
Don Ostler, DWQ (w/attach.)  
Loren Morton, DRC (w/attach.)  
David Cunningham, SE District Health Dept. (w/attach.)  
Dave Arriotti, DEQ, SE District (w/attach.)  
Fred Nelson, Utah Asst. Attorney General (w/attach.)  
Terry Brown, EPA Region VIII (w/attach.)  
Milt Lammering, EPA Region VIII (w/attach.)  
John Surmeier, NRC Washington, D.C. (w/attach.)  
Bill von Till, NRC - Washington, D.C. (w/attach.)  
Charles Hackney, NRC Region IV

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File: International Uranium Corporation, Groundwater Corrective Action Order

## UTAH WATER QUALITY BOARD

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IN THE MATTER OF : DOCKET NUMBER UGW20-01  
International Uranium Corporation : NOTICE OF VIOLATION  
White Mesa Uranium Mill : AND ORDER

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### STATUTORY AUTHORITY

**THE UTAH WATER QUALITY BOARD** (hereinafter "**BOARD**") issues this Notice of Violation and Order under the *Utah Water Quality Act*, including Sections 19-5-105, 19-5-106, 19-5-111 and 19-5-115, *Utah Code Annotated*, and in accordance with the *Utah Administrative Procedures Act*, Sections 63-46b-1, et seq.

### FACTS

1. International Uranium (USA) Corporation (hereinafter **IUC**) operates a uranium mill facility and tailings disposal ponds on White Mesa located near Blanding, Utah in Sections 28 and 33, Township 37 South, Range 22 East, SLBM.
2. Utah Code Annotated (UCA) 19-5-102(10) states: "'Pollution" means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state, unless the alteration is necessary for the public health and safety."
3. UCA 19-5-102(18) defines "Waters of the state" as: "... all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state ..."
4. Utah Code Annotated (UCA) 19-5-107(1)(a) states: "Except as provided in this chapter or rules made under it, it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe it will cause pollution."
5. In accordance with Utah Administrative Code (UAC) R317-6-6.15(C)(1): "The Executive Secretary may require a person that is subject to R317-6-6.15 to submit for the Executive Secretary's approval a Contamination Investigation and Corrective Action Plan, and may require implementation of an approved Corrective Action Plan..."

**FINDINGS**

1. On May 11 and 12, 1999 the Utah Department of Environmental Quality (hereafter DEQ) in conjunction with IUC collected split groundwater quality samples from monitoring wells at the White Mesa uranium mill facility.
2. Laboratory analyses by DEQ of the groundwater quality samples described in FINDINGS 1 above indicate that at least one pollutant in the uppermost aquifer at the White Mesa mill facility exceeds groundwater standards established by the Executive Secretary, as provided in Table 1, below:

Table 1. Summary of May, 1999 DEQ Groundwater Sampling at White Mesa Mill

Contaminant	Sample Date	IUC Monitoring Well	Detected Concentration (mg/l)	Groundwater Quality Standard (mg/l)
<i>Organic Contaminant</i>				
Chloroform	5/11/99	MW-4	4.7	0.10 <sup>(1)</sup>

Footnote:

- 1) Ad-hoc Groundwater Quality Standard established by the Executive Secretary pursuant to UAC R317-6-6.15(E)(3) and (F)(2).

3. Laboratory analyses by IUC of groundwater samples described in FINDINGS 1 above have confirmed both the presence of chloroform in IUC well MW-4 and exceedance of the respective groundwater quality standard.
4. Based on FINDINGS 1, 2, and 3 above, the Executive Secretary has concluded that groundwater in the shallow aquifer at the White Mesa mill has been polluted by one or more sources of pollution at the facility and as such IUC is subject to UAC R317-6-6.15.

**VIOLATION**

IUC is in violation of:

1. UCA 19-5-107(1) for discharging pollutants to waters of the State, causing groundwater pollution which constitutes a menace to public health and the environment and impairs beneficial uses of water, and for placing wastes in a location where there is probable cause to believe it will cause groundwater pollution.

**ORDER**

IUC is hereby ordered to:

1. Submit within thirty (30) days of receipt of this Order a plan and timetable for conducting a Groundwater Contaminant Investigation and submittal of a report for Executive Secretary approval, pursuant to the provisions of UAC R317-6-6.15(D).
2. Submit within 30 days of Executive Secretary notification a plan and timetable for submittal, implementation, and completion of a Groundwater Corrective Action Plan, pursuant to the provisions of UAC R317-6-6.15(D).

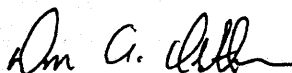
**NOTICE**

Any appeal of the Notice of Violation and Order will be pursuant to *Section R317-1-8 of UAC and Sections 63-46b-6 through 63-46b-15 of the UCA*. If IUC contests any portion of the Notice of Violation and Order, it must do so in writing and request a hearing before the Board within thirty (30) days of the receipt of this Notice. If no response and request for hearing is received, the Notice of Violation and Order shall be considered final.

*UCA 19-5-115* provides that violators of the *Act* or a related permit, rule, or order may be subject to a civil penalty of up to \$10,000 per day of violation. Under certain circumstances of willfulness or gross negligence, violators may be fined up to \$25,000 per day.

Signed this 23<sup>rd</sup> day of August, 1999.

Utah Water Quality Board



Don A. Ostler, P.E.  
Executive Secretary

DAO/LBM:lm

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File: IUC Groundwater Corrective Action Order