



# *Ute Mountain Ute Tribe*

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October 29, 2010

Cheryl Heying  
Executive Secretary  
Air Quality Control Board  
Utah DEQ- Division of Air Quality  
195 North 1950 West  
Salt Lake City, UT 84116

RE: Approval Order Modification to Add a Baghouse, Allow Alternate Fuel Usage; and to Incorporate Work Practice Standards DAQE – IN0112050018-10  
(Project Engineer Maung Maung)

Dear Executive Secretary Heying:

The Ute Mountain Ute Tribe is a federally recognized Indian Tribe with lands in Colorado, New Mexico, and Utah. As you may know, the White Mesa Community of the Ute Mountain Ute Reservation is located approximately three miles from the Denison Mines White Mesa Uranium Processing Mill ("Mill"). Accordingly, the Tribe has a significant interest in the operations of the Mill, and submits the following comments in regards to the Approval Order for air quality DAQE-IN0112050018-10.

**Section II.B.4.f** The Tribe believes that the language in II.B.4.f is insufficient to prevent fugitive dust. Tribal members and Tribal employees have frequently observed dust that appears to be coming from the ore piles. Please see attached photographs. The Tribe has expressed previous concerns about fugitive dust to your office, and found the lack of substantiated data made it difficult to resolve the issue. There is no infrastructure available on the ore pads for watering except for the roads, and it is generally very dry at the mill location. The Tribe would urge the Secretary to require; watering of ore pads on a routine and specified time frame, installation of a sprinkling or other watering system, and submission of watering records to your office on a monthly basis. The Tribe also believes that it would be in the public interest to make these watering records publicly available on the UDWR's website. These actions would provide

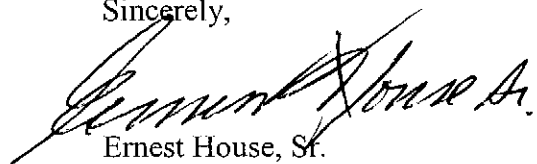
*Chief Jack House, Last Traditional Chief 1886-1972*

objective and verifiable data to evaluate any fugitive dust issues, and would help alleviate the Tribe's concerns about fugitive dust.

**Section II.B.4.h** The Tribal staff has observed that when unloading, ore hauling trucks create a large cloud of dust which could cause off-site migration of uranium laden dust. This leads the Tribe to believe one of two things. Either the standard of 4% moisture by weight is not stringent enough, or it is not being properly implemented. The Tribe would like to offer additional comment on this issue. However, in order to do so the Tribe needs additional information about the implementation of this standard. The Tribe has reviewed multiple documents available on the UDWR's website and has not been able to obtain information on how this standard of 4% moisture is implemented. The Tribe now requests that your office provide the Tribe with information on how this standard is implemented, and offer an opportunity for additional comment on this issue.

The Tribe's Environmental Programs Department has been working with the U.S. EPA and the U.S. Geologic Survey, among other partners, on a Scientific Investigations Report concerning environmental conditions around White Mesa that is currently in peer review and will likely be published in January of 2011. There are parts of that report that we think the Utah Air Quality Division will find informative regarding particulate transport, and deposition and off-site migration of these deposits. The Tribe believes that the report will help in designing an air monitoring program and refining the current water quality monitoring program to enhance the protection of human health and safety. The Tribe therefore respectfully request that the decision-making process regarding this permit and the related fugitive dust requirements be extended to January 31, 2011 to allow your agency time to review the report and incorporate its information into your decision.

Sincerely,



Ernest House, Sr.

Chairman, Ute Mountain Ute Tribe

Note small amount of dust behind truck in upper photo and lack thereof in lower photo.  
Ore storage area is in far right of upper photo, next to main mill building.

