

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

July 21, 2009

Mr. David Levenstein
EIS Document Manager
P.O. Box 2612
Germantown, MD 20874

Dear Sir:

I appreciate the opportunity to submit these written comments as part of the U.S. Department of Energy's scoping process for the identification of a site for the long-term management and disposal of elemental mercury. I also want to commend the Department of Energy for conducting this meeting in the Grand Junction area.

The Colorado Department of Public Health and Environment was surprised to learn that the uranium mill tailings disposal site at the Grand Junction Disposal Site, commonly known as the Cheney Reservoir disposal site had been selected as one of the potential sites for location of a mercury disposal site. While we welcome this scoping process and will participate throughout, we are disappointed that we only learned of this proposed site after reading a notice in the Federal Register. I also want to emphasize that when the Department of Energy was siting a facility for long-term disposal of uranium mill tailings in western Mesa County, the Department of Energy assured the citizens of Grand Junction and Mesa County that the disposal site would never be used to store other hazardous wastes. Having made such a promise, the Department has an especially high burden in evaluating this site for the long-term disposal of elemental mercury.

More specifically, I have instructed the Hazardous Materials and Waste Management Division at the Department of Public Health and Environment that our review of the Department of Energy's proposal must be thorough, careful, and searching. I expect that the Air Pollution Control Division and the Water Quality Control Division also will be integrally involved in evaluating this proposal so that we can assure the citizens of Colorado that this proposal has received a thorough and complete review. While we will maintain an open mind and will participate constructively throughout this process, we enter it with substantial skepticism that this is an appropriate site for the long-term disposal of elemental mercury.

We would expect that as part of this investigation, the Department of Energy will conduct

a thorough and fresh analysis of the geology, geohydrology and geomorphology at this site. It is unlikely the Department of Public Health and Environment would authorize the location of a long-term disposal site for elemental mercury at this or at any other site in the state unless we are convinced that the disposal of those wastes at that site poses a near-zero risk of contaminating either ground or surface water. Similarly, we expect a full and detailed description of the primary, secondary, and tertiary barriers to the escape of elemental mercury to the environment by any pathway – including emissions to the atmosphere in the event of a spill, fire, or other event.

At the same time, I want to be sure that the Department of Energy and its experts conducting this study have fully and carefully evaluated the transportation risks inherent in shipping elemental mercury across a large part of the country, including from locations on both coasts, to a rural part of Colorado. Many of the routes to the Cheney Reservoir necessarily run along, or cross the Colorado River and its tributaries, as well as many other navigable waters. The Department of Public Health and Environment will expect the Department of Energy to designate the routes and transportation modes to be used along with an evaluation of the risks inherent in each and the methods to be used to mitigate those risks (including accidents that release mercury to a waterway), along with a full explication of the shipping containers to be used and the testing methodologies used to assess their ability to maintain the security of elemental hazard in a catastrophic accident. Finally, the Department also expects the Department of Energy to provide detailed plans for how it proposes to manage these wastes and this disposal site into perpetuity, since we anticipate elemental mercury will be a significant environmental hazard for centuries.

In closing, I want to reiterate that the Department of Public Health and Environment looks forward to working with the Department of Energy as it evaluates the Cheney Reservoir and others sites. But I also want to emphasize that we expect to be involved as full partners in this process, that we intend to use our authorities to assure that every relevant issue area is thoroughly vetted, and that the state of Colorado will not license a hazardous waste disposal facility such as this unless we are fully assured that the facility is designed and will be operated to isolate elemental mercury from the environment in perpetuity.

Respectfully,



James B. Martin
Executive Director
Colorado Department of Public
Health and Environment