



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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Navajo President Joe Shirley, Jr., praises staff work of Navajo EPA to get N.E. Church Rock Mine site cleaned up

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., has praised the work of the Navajo Nation Environmental Protection Agency staff which persuaded the federal government to clean up the abandoned Northeast Church Rock Uranium Mine Site.

On Tuesday, the U.S. Environmental Protection Agency announced it will work with the Navajo EPA to clean up contaminated soil around five Navajo residences in close proximity to the mine site, formerly operated by the United Nuclear Corp.

The phase one, \$2.1 million project is scheduled to begin May 7. The U.S. EPA will remove 5,300 cubic feet of soil to a depth of six inches around the five home sites.

The entire 125-acre site consists of two underground uranium mines, several vent holes, buried waste, unlined surface impoundments, sand fill areas, and a pile of waste uranium mined material.

For 24 years, contaminated water discharged into the arroyo that runs past several homes. Contaminated soil was also spread by the wind and run-off after snow and rain.

In 2003, the Navajo EPA determined that the land area was actually Navajo trust land rather than private property, as was believed by United Nuclear Corp. and the State of New Mexico.

The affected families will be temporarily housed in Gallup hotels for the two weeks it takes to remove radium-contaminated soil from land surrounding their homes to minimize exposure. Radium is a known carcinogen, and the



The Navajo Nation Environmental Protection Agency and the U.S. Environmental Protection Agency have announced a clean-up of the 130-acres Northeast Church Rock Uranium Mine Site. The \$2.1 million project is scheduled to begin on May 7. Photo by Adriel Heisey

levels at the homes require excavation and removal of surface soil.

President Shirley said the Navajo EPA staff worked persistently since 2003 to convince the federal EPA of the need to clean up the site. NNEPA is now seeking federal resources to have the land and home sites restored to harmony in the traditional Navajo way, as well.

The President credited the staff at the Navajo EPA for persuading the federal EPA of the need for cultural

understanding and sensitivity in addition to the public health concern about exposure to radioactive contaminants.

“Without our staff working, we wouldn’t have gotten this far,” President Shirley said. “They pushed to shed light on herbs, beliefs, culture, and our medicine people. It’s always good to be working together. That’s the way it should be all along.”

“The federal EPA has turned around and is coming in and helping us. The U.S. government is showing the world that they really do have a heart. We’re just very appreciative of that, and, as President, I appreciate it.”

“As Navajo people, we’re the ones who know and understand our cultural ways best,” he said. “It makes sense that we want to use our own staff who grow up with this knowledge.”

“This action is another significant step that strengthens our sovereignty, our independence, our ability to do for self,” he said. “It reinforces our call to our people to come home to help us build our Nation. We need you to save self, to secure and preserve our culture because we’re the only ones who know about us.”

Stephen B. Etsitty, Navajo EPA executive director, said the U.S. EPA reached agreements with United Nuclear Corp. and General Electric to clean up the site and to transport the collected soil off of the Navajo Nation. He said his office has identified this as one of the most important public health issues on the Navajo Nation.

He said the U.S. EPA has issued two administrative orders – one last fall to have the companies assess the area, and another issued Friday, April 27, to have the company pay for the removal of the soil.

In a news release issued Tuesday, U.S. EPA Superfund Director Keith Takata said removing radium-contaminated soil from around homes would prevent direct human contact and make the area safe for people and livestock. The nearest home to the waste pile is 786 feet.

“The U.S. EPA and the Navajo Nation EPA are working together to ensure that personal and cultural needs of the affected residents are properly addressed,” he said.

In 1959, the Bureau of Indian Affairs granted access to the Santa Fe Railroad, which turned the mineral rights over to the United Nuclear Corp. to mine uranium. United Nuclear Corp. operated the Northeast Church Rock Mine from 1968 to 1979.

The Navajo EPA staff members who worked on the project are Department Manager Arlene Luther, Program Supervisor Diane Malone, Navajo Superfund Program chemist Stanley

Edison, Geographic Information Analyst Jerry Begay, Public Information Officer Lillie Lane, and Navajo EPA Executive Director Stephen B. Etsitty.

BACKGROUND

In 1992, the Navajo Superfund Program, in coordination with the state of New Mexico Environmental Department and U.S. EPA Region 6 Dallas office, monitored clean up activities at the United Nuclear Corp. National Priority Listed Site. The site was listed on Sept. 8, 1983, after 93 million gallons of uranium-contaminated water and sediment was released into Pipeline Arroyo and Rio Puerco River. UNC’s uranium mill processing facility and unlined surface impoundments are located on state and private land. Downgradient Navajo communities located adjacent to Pipeline Arroyo and the Rio Puerco River included Church Rock, Manuelito, Lupton, Houck, and Nahatadziil.

Ore from the NECR and the Kerr McGee mines was processed at UNC’s uranium mill. The Kerr McGee mines were operated during 1960s through 1990s, and were closed in 1997. The NECR was operated from 1968 and 1982, and remain on stand-by status until its closure in 1986 and 1994. Although the Nuclear Regulatory Commission approved the NECR for unrestricted land use, surface disturbances remained unaddressed. Requests to Region 6 by the Navajo Nation Environmental Protection Administration (predecessor to NNEPA) to require aggressive clean up to mitigate off-site releases were not responded to because the NPL determination excluded the NECR site.

In October 2003, the Church Rock Chapter, the Southwest Research & Information Center of Albuquerque, the New Mexico Environmental Department Water Division, the EPA Region 9, NNEPA, the Navajo Nation Abandoned Mine Lands Program, the Navajo Nation Water Resources Department, the EPA Las Vegas Tribal Air Monitoring Support Center, the EPA Las Vegas Radiation & Indoor Environment National Laboratory & Center for Radiation Analysis & Quality Assurance, and Dine College, conducted a series of sampling activities that included the NECR site. Compelling radiological survey results confirmed that off-site radiological contamination to Navajo residential properties was apparent, and necessitated immediate mitigation.

Assuming that the NECR site was under state jurisdiction, the New Mexico Mining and Mineral Division (MMD) requested UNC to submit closeout plans pursuant to the New Mexico Mining Act. After approximately eight years of litigation, UNC submitted their plans in January 2004. NNEPA commented on these plans and determined that the plans neglected to address off-site contamination. NNEPA recommended the state direct UNC to include the assessment and remediation of off-site contamination to Navajo Nation land, and the state stated it had no authority to direct UNC to clean up radiological contamination on Navajo reservation land.

UNC amended the closeout plans, comments and concerns regarding off-site contamination were submitted again, in addition to verification from the Navajo Nation Land Office that the majority of the NECR site was located on Navajo Nation surface trust land. However, despite Navajo Nation concerns, MMD conditionally approved UNC’s amended plans in February 2005.

Further research determined that access to the NECR site was granted to the Santa Fe Railroad Company in 1959, on behalf of the Navajo Tribe, by the Bureau of Indian Affairs to develop subsurface uranium and other mineral rights.

Because the state never had jurisdiction, and UNC’s approved plans did not include the off-site contamination to adjacent Navajo Nation land and residential properties, NNEPA requested that EPA Region 9 assume the lead in March 2005, and EPA accepted the lead nine months later in November 2005.