



## HAVASUPAI TRIBAL COUNCIL

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August 30, 2019

Misael Cabrera, P.E., Director  
Trevor Baggiore, Water Quality Division Director  
David Dunaway, Manager, Groundwater Protection and Water Reuse Value  
Streams  
Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007

**Re: Canyon Mine Aquifer Protection Permit (Type 3.04 General Aquifer  
Protection Permit with Inventory No. 100333, LTF No. 60849, USAS  
No. 030032-02, expiration date August 31, 2019)**

Dear Director Cabrera, Division Director Baggiore, and Manager Dunaway:

I write to you on behalf of the Havasupai Tribe ("Tribe") to raise concerns that the Tribe has with the Type 3.04 General Aquifer Protection Permit (Inventory NO. 100333, LTF No. 60849, USAS No. 030032-02, expiration date August 31, 2019) (the "General Permit") that Energy Fuel Resources (USA), Inc. ("Energy Fuels") has reapplied for. Specifically, we incorporate by reference the comments submitted by Sierra Club's Grand Canyon Chapter, Center for Biological Diversity, Grand Canyon Trust, and Wild Arizona (the "Conservation Groups") on August 2, 2019 and August 20, 2019, and we add the additional following comments and requests.

- I. **THE PROJECT AT CANYON MINE TODAY IS NOT THE PROJECT THAT WAS APPROVED FOR A GENERAL PERMIT IN 2009 AND 2014 DUE TO SUBSTANTIAL CHANGES IN THE VOLUME, CHARACTERISTICS, AND MEANS OF DISPOSAL OF DISCHARGES, AND SO THIS PROJECT SHOULD NOT BE RE-APPROVED FOR A GENERAL PERMIT**

Far too much has changed between the conditions of Canyon Mine (the "Mine") when its initial General Permit application was approved in 2009 and the circumstances that exist at the Mine today. A general permit is no longer adequate or appropriate for the non-stormwater impoundments at the Mine. We thus join the Conservation Groups in urging the Arizona Department of Environmental Quality ("ADEQ") to not renew Energy Fuels' General Permit and instead request that an individual permit be issued for the sole purpose of closing down Canyon Mine and facilitating post-closure monitoring, maintenance, and remediation (the "Closure Permit"),

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and that groundwater flooding at the Mine cease immediately. We also ask that the Closure Permit be pursued through a new individual permit application with public notice and participation, technical information, an Ambient Groundwater Monitoring Report, a financial demonstration, a contingency plan, monitoring requirements, and closure and post-closure plans that include a cost estimate and a financial assurance mechanism adequate to ensure that those plans are implemented.

The General Permit is of great importance to the Tribe because it has critical implications for the Tribe's main water supply source: the Redwall-Muav Aquifer (the "R-Aquifer"). Since time immemorial, the Tribe has resided on the banks of Havasu Creek in the bottom of the Grand Canyon, on the upper Coconino Plateau (the "Plateau"), and along the Colorado River (much of this area has been formally acknowledged to be the aboriginal territory of the Tribe). The Tribe actively and continuously utilizes the plant,<sup>1</sup> animal,<sup>2</sup> medicinal, cultural, and religious resources on these lands, and intends to do so forever. However, in order to do so, the integrity of the R-Aquifer must be maintained in order to ensure the continuation of the Havasupai people and life in the Grand Canyon. The source waters for the R-Aquifer originate in the snowpack and rainfall on the San Francisco Peaks, an incredibly sacred site for the Havasupai people, and the Coconino Plateau, where Canyon Mine and the birthplace of the Havasupai people (designated within the Tribe's Red Butte Traditional Cultural Property) are located. Those waters travel downgradient and westward until they reach the R-Aquifer and discharge into the seeps, springs, and streams in Havasu Canyon (the "Canyon"), where the Havasupai Reservation is located and where most Havasupai people live today. These springs and streams, especially Havasu Springs and Cataract Creek, burst forth and supply Havasu Creek with the unique blue-green water and world-renowned falls that the Havasupai people are named for, that define the landscape on the Havasupai Reservation, and that sustain life in the Canyon.

When Canyon Mine was initially authorized by the federal government over three decades ago, the Plan of Operations, Final Environmental

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<sup>1</sup> Tribal members have stopped harvesting certain plants, including medicinal plants like cedar and sage, near the Mine site (which is within the Tribe's Traditional Cultural Property designation and should be freely available to the Tribe) due to concerns about the excess discharges and spraying activity at the Mine, and the elevated contaminants in those waters. Tribal members also have concerns about soil impacts due to the spraying and windy conditions on the Plateau. They have used Geiger counters near the mine site and have detected high levels of radiation.

<sup>2</sup> Tribal members have observed and are greatly concerned about small animals that they hunt for food on the Plateau, such as rabbits, crossing through the fence at Canyon Mine and drinking from the uncovered impoundment there. Tribal members have also observed birds drinking from the uncovered impoundment.

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Impact Statement, and Record of Decision assumed that there would be little, if any, groundwater impacts from the Mine operation.<sup>3</sup> However, we now know that this assumption was flawed. Gary Ullinskey, a water quality specialist in the Arizona Department of Health Services, just one month after approval of the Record of Decision, identified that Energy Fuels Nuclear's own hydrogeological report "indicated that the project vicinity was a groundwater recharge area and that generally the flow of groundwater was downward while some strata impeded the downward flow" and the report further "indicated the presence of perched aquifers below the surface of the Coconino Plateau" that "may supply small springs in Grand Canyon and its tributary canyons" such as "[t]he underlying Redwall-Muav aquifer [that was] suspected to be the source for several large springs such as Havasu Falls."<sup>4</sup> This information, coupled with Mr. Ullinskey's knowledge that "[u]nsable quantities of water have been found in the area at depths of less than 150 feet" whereas the Mine plans contemplated drilling to a depth of at least 1400 feet led him to understand that there was a high risk of groundwater impacts.<sup>5</sup> Accordingly, Mr. Ullinskey "expressed . . . concerns about the potential for radioactive contamination of the underlying aquifer and the surface soils through which precipitation will percolate."<sup>6</sup>

In addition to raising keen concerns with potential impacts to groundwater by the Canyon Mine project, Mr. Ullinsky identified critical inaccuracies (such as Energy Fuels Nuclear's assertion "that the mining zone is dry and that their exploratory drilling showed it" while Ullinskey was able to confirm by looking at Energy Fuels Nuclear's exploratory bore-hole logs that "[s]ome were dry, but more than half indicated that drilling had encountered saturated zones") and inconsistencies ("such as the depth of mining in the operation plan and DEIS being inconsistent with the NOD") in the information provided by

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<sup>3</sup> See, e.g., KAIBAB NAT'L FOREST, FINAL ENVTL. IMPACT STATEMENT CANYON URANIUM MINE (1986) [hereinafter *FEIS*] at vii ("The possibility of significant ground water contamination from the mine is remote. Ground water flows, if they exist, are likely to be at least 1,000 feet below the lower extremities of the mine. This, plus the low potential for encountering groundwater in the mine, effectively eliminates the possibility of contaminating the Redwall-Muav aquifer."); KAIBAB NATIONAL FOREST, RECORD OF DECISION: CANYON MINE PROPOSAL (1986) [hereinafter *ROD*] at 4 ("In response to public comments, the EIS was revised to include an expanded discussion and analysis of groundwater conditions and potential impacts. The additional analysis confirms the conclusion of the Draft EIS that no adverse groundwater impacts are expected.").

<sup>4</sup> Memo from Gary Ullinskey, Water Permits Unit, Office of Waste and Water Quality Mgmt., Ariz. Dep't of Health Servs., to Chuck Anders, Dir., Office of Waste and Water Quality Management, Ariz. Dep't of Health Servs. (Oct. 29, 1986).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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Energy Fuels Nuclear, the then-Mine owner.<sup>7</sup> The provision of false or misleading information in an Aquifer Protection Permit application today would be sufficient to justify denial of an individual permit. A.A.C. R18-9-A213(B)(3). But there were ample other reasons for ADEQ to deny the initial applications for both an individual and a general aquifer protection permit at Canyon Mine, and so it was not until 2009 that the initial General Permit for the Mine was issued. This was done despite numerous research-based warnings from hydrogeologists that mining operations at the Grand Canyon would pierce and drain perched aquifers, and threatened to contaminate groundwater moving downward through the Mine into lower aquifers, such as the R-Aquifer and the seeps, springs, and streams it feeds.

Today we know that that Mr. Ullinskey's concern about impact to groundwater in the drilling of the Mine was well placed. In 2017, construction of the Mine's shaft pierced a perched aquifer in the Coconino formation, precipitating flooding of the Mine shaft. The Mine operators were not prepared for this known contingency, and they did not have adequate means to deal with the excess water flowing into their impoundments. Rather than consult with ADEQ on how to address the new water flows while still complying with their General Permit, they disposed of the unanticipated volume of water by spraying it from water cannons (known as "land sharks").<sup>8</sup> It is our understanding that the spray footprint extended beyond the authorized, lined impoundments and even extended to land outside of the Canyon Mine site. This marked a significant departure from Energy Fuels' permitted means of disposing of mine discharge, which only contemplated and authorized careful disposal of mine discharge along a contained pathway into an impervious, lined impoundment.<sup>9</sup> The unauthorized disposal of mine discharge outside of the impoundment and through use of a reckless and uncontained pathway such as spraying is of great concern to the Tribe because the incidence of dissolved uranium found in the groundwater pumped from Canyon Mine has exceeded the 30 parts per billion federal drinking water standard since 2016.<sup>10</sup> And now this contaminated groundwater has been sprayed

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<sup>7</sup> *Id.*

<sup>8</sup> Energy Fuels pursued this course of action despite the requirement in the FEIS that holding ponds be adequate to hold all discharges from the Mine. FEIS at 2.33 ("Holding pond(s) in the mine yard must be adequate to receive local runoff from a 100-year thunderstorm event, plus normal annual runoff and water that may be pumped from the mine. The volume of water in the pond(s) must be maintained at a level that will allow a reserve pond capacity to accommodate unforeseen and normally expected runoff events.") (emphasis added).

<sup>9</sup> ARIZ. DEP'T OF ENVTL. QUALITY, DISCHARGE AUTHORIZATION - TYPE 3.04 GENERAL AQUIFER PROT. PERMIT (Inventory No. 100333, LTF No.: 60849, USAS No. 030032-02) (2014).

<sup>10</sup> Letter from Kathy Weinel, Quality Assurance Manager, Energy Fuels (USA) Inc. to Madeline Keller, ADEQ-Environmental Program Specialist,

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into the air and onto the watershed on and near the Canyon Mine site rather than being carefully routed to an impoundment in a manner that prevents seepage or movement of the discharge once it is above ground. Instead, we are concerned that the sprayed discharge, likely sometimes helped by the wind, has landed on porous soils and moved through the surface waters of the region, and continues to seep downward where it will mix with downward-moving groundwater recharge waters. We are thus greatly concerned that Mr. Ullinskey's additional concern about potential radiological contamination of underlying aquifers and the springs they feed, especially Havasu Springs, could also be realized.

The Tribe is also greatly concerned that Energy Fuels has been continuously violating its General Permit condition to continuously dewater the Mine shaft in order "to allow the minimum practicable water accumulation." Because of flood rather than dewatered conditions in the Mine shaft, the Tribe is concerned that the contaminated groundwater flooding in the Mine shaft is likely also moving laterally and more immediately downgradient, which raises an even greater risk to nearby and hydrologically connected aquifers, such as the R-Aquifer. The Final Environmental Impact Statement for Canyon Mine acknowledged the threat to the R-Aquifer if a perched aquifer were to be affected by Mine operations: "[i]f perched groundwater reservoirs occur at or below the level of water stored in the mine openings, seepage from the mine openings may mix and be diluted with water in the local perched reservoirs and continue to percolate slowly downward, where it may eventually mix and be diluted further with groundwater in the Redwall-Muav aquifer."<sup>11</sup> Now that the perched aquifer has been pierced, the possibility for Ullinskey's second concern about radiological contamination of underlying aquifers to be realized seems quite high, and greatly needs study and attention in order to protect regional aquifers that supply communities of Northern Arizona with drinking water and water used for domestic, agricultural, and recreational uses. It is especially critical for the viability of the Tribe that the R-Aquifer remain protected from contamination from activities at Canyon Mine, such as the failure of the Mine operators to manage the flooding of the Mine and contain discharges to the permitted impoundment.

Despite the foreseeable and amply forewarned piercing of the perched aquifer and the attendant flooding of the Mine shaft, ADEQ approved the General Permit in 2009 and re-authorized it in 2014. Now that the perched aquifer piercing has, in fact, come to pass and the Mine shaft continues to flood at an alarming and increasing rate of

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Water Quality Division, Water Quality Enforcement Unit (2017) [2016 Annual Report for Canyon Mine] at Table 2.

<sup>11</sup> FEIS at 4.39.

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almost 9 million gallons in 2017<sup>12</sup> and almost 10 million gallons in 2018,<sup>13</sup> ADEQ cannot pretend that the circumstances on the ground at Canyon Mine have not changed since the original authorization of the General Permit. Today it is simply not adequate, rational, responsible, or respectful of ADEQ's statutory charge to "protect the environment" for ADEQ to issue yet another Discharge Authorization for the General Permit as though nothing has changed at the Mine site. The volume and characteristics of the discharge have changed from the original application due to the original owner's incorrect assumptions made with respect to the geologic and hydrologic conditions at the Mine given the piercing of the perched aquifer and the subsequent flooding. Additionally, the authorized facility has expanded in size; now discharge has moved beyond the containment of the permitted impoundments due to deliberate actions of Energy Fuels to spray unanticipated additional high volumes of the discharge outside of the impoundments. Finally, the closure requirements in the General Permit are no longer adequate due to the unknown nature of the aquifer flow. The aquifer piercing continues to produce far more water than anticipated, and it is not clear where those discharges are traveling or resting. Additional studying, data, and monitoring of the extent of injury (for example, are we truly dealing with the piercing of just one perched aquifer, or have additional aquifers been damaged) and the fate of the Mine discharges is greatly needed in order to ensure that public health and safety will not be jeopardized by continued operations at Canyon Mine.

**II. INSTEAD, GIVEN THE CHANGED NATURE OF CANYON MINE AND ITS DISCHARGE FLOWS, AND THE CURRENT INADEQUACY OF THE EXISTING DISCHARGE DISPOSAL MECHANISM, ADEQ SHOULD ISSUE AN INDIVIDUAL PERMIT FOR THE LIMITED PURPOSE OF CLOSING DOWN THE MINE AND FACILITATING POST-CLOSURE ACTIVITIES**

Given today's new circumstances, the Tribe urges ADEQ to not renew Energy Fuels' General Permit and instead allow the Discharge Authorization to expire pursuant to ADEQ's authority at A.A.C. R18-9-A303(D). Instead, an individual permit should be issued to Energy Fuels for the sole purpose of closing down Canyon Mine and facilitating post-closure monitoring, maintenance, and remediation. Operations at Canyon Mine pose too great a risk to public health and safety, and far too little is known with respect to how the existing contamination in the discharges at Canyon Mine will interact with and affect both the surface

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<sup>12</sup>Letter from Kathy Weinel, Quality Assurance Manager, Energy Fuels (USA) Inc. to Arizona Department of Environmental Quality, Groundwater Section (2018) [2017 Annual Report for Canyon Mine] at Table 2.

<sup>13</sup>Letter from Kathy Weinel, Quality Assurance Manager, Energy Fuels (USA) Inc. to Arizona Department of Environmental Quality, Groundwater Section (2019) [2018 Annual Report for Canyon Mine] at Table 2.

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waters and the groundwaters of the region. Much of these waters flow downgradient to the Havasupai Reservation, and then flow onward into the Colorado River, which poses an existential threat to the Havasupai people and could affect the drinking water supply of millions of people.

ADEQ cannot simply issue a new Discharge Authorization on the Mine's General Permit and ignore its charge as an agency to protect the environment, or to protect public health and safety against the grave threats posed by Canyon Mine's voluminous discharges. **Indeed, the impoundments at Canyon Mine are no longer eligible for a 3.04 General Permit: Non-Stormwater Impoundments at Mining Sites because the consistently and increasingly high volume of water flow in the Canyon Mine shaft is now at flood levels and is no longer merely a "seepage" as that term is used in A.A.C. R18-9-D304(A) (1) (a).** Furthermore, the existing General Permit should have been revoked in 2016 when the uranium levels in the Mine discharge first exceeded the Safe Drinking Water Act limits. Those exceedances were sustained in 2017 and 2018. The existing General Permit should have also been revoked in 2017 when Energy Fuels began disposing of its Mine discharges through the unpermitted process of spraying excess discharge into the air. ADEQ has clear authority to make these revocations under A.A.C. R18-9-A307(A) (1), where a revocation can be made where "[t]he permittee fails to comply with the terms of the general permit" and (2), where "[t]he discharge activity conducted under the terms of the general permit causes or contributes to the violation of an Aquifer Water Quality Standard." The high volume of water discharge at the Mine has and will continue to exceed the capacity of the impoundments at Canyon Mine and the high levels of arsenic and uranium in the discharges from the facility will continue to violate Aquifer Water Quality Standards established under A.R.S. §§ 49-221 and 49-223 if no enforcement measures are taken by ADEQ. **The Tribe asks ADEQ to take these enforcement actions against Energy Fuels rather than consider reauthorizing their General Permit.**

In issuing the Closure Permit, the Tribe urges ADEQ to ensure the following:

- **Ample data gathering** through generation of multiple rounds of ambient groundwater samples to ensure that Aquifer Water Quality Standards exceedances will be monitored and minimized through an AQL proposal for each pollutant that exceeds an Aquifer Water Quality Standard.
- **Development of a contingency plan** to address future extraordinary high flow incidents in the Mine shaft if the discharge therefrom results in a violation of an Aquifer Water Quality Standard or discharge limitation or an imminent and substantial endangerment to public health or the environment. The occurrence of any of these conditions

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should trigger a requirement in the contingency plan to undertake verification sampling, provide notice to downstream or downgradient users, require more frequent and rigorous monitoring, trigger an ADEQ inspection, require testing, assess the need for maintenance, provide for an evaluation of effectiveness, and trigger an upgrade of the discharge control features at the facility if necessary to address the grave threat increased discharges pose to drinking water in the region. Contingency procedures should also be developed to remediate water quantity or quality declines in groundwater, including the R-Aquifer and connected wells, springs, and streams.

- **Development of a new hydrogeologic study** to more accurately define the discharge impact area for closure and post-closure periods. The importance of a new hydrogeologic study cannot be overstated because of the need for sound information upon which ADEQ and stakeholders can rely upon in protecting something so vital to public health and safety in a desert environment as drinking water. Additionally, given the spraying of discharge outside of the impoundments, there is also need for documentation of the extent and degree of any known soil contamination at and near the site, and an assessment of the potential for the discharge to cause leaching of pollutants such as arsenic and uranium from surface soils or vadose materials. Most importantly to the Tribe, there is also a need for an assessment of any changes in the groundwater quality expected because of discharges from the Mine, as well as a description of any expected changes in the elevation or flow direction of the groundwater expected to be caused by the facility. All of this information should be contained within the hydrogeologic study that Energy Fuels should have to produce as part of their application for an Individual Permit.
- **Updated and well-developed closure and post-closure plans.** These are greatly needed because of the changed hydrological conditions in the Mine. With the increased water volume accumulating in the Mine, and the interactive nature between aquifers (and the lack of data regarding the actual aquifer flows underneath Canyon Mine), the original closure strategy is no longer valid. An updated closure and post-closure plan must be informed by actual data to ensure that it will be safe and not pose a public health and safety threat to the many communities of Northern Arizona that rely upon nearby aquifers to supply their drinking water. Similar to the Conservation Groups, we ask that terms and conditions be included in any closure or post-closure plan to prevent discharge into and pollution of the R-Aquifer from Mine



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workings; depletion of perched or other aquifers; and discharge from perched or other aquifers into Mine workings. We also ask that material exceeding regulatory radiation limitations not be left at the Mine site or backfilled into the Mine shaft upon closure as these contaminants will pose a long-term threat to groundwater.

- **A public process** to ensure that public awareness and engagement be maximized with respect to Canyon Mine's Aquifer Protection Permit due to the level of threat that the contamination of the perched aquifer at Canyon Mine poses to surrounding aquifers and the public who rely upon those aquifers.
- **A meaningful demonstration of Energy Fuels' financial capability to close and ensure proper post-closure care of the facility** so that that the public is protected in the long term. Energy Fuels should make this demonstration of their capability to cover their financial assurance obligations through a performance surety bond, a letter of credit, an insurance policy, or another financial assurance mechanism.

Cessation of operations at Canyon Mine will require long-term monitoring to ensure no contamination of underlying aquifers such as the R-Aquifer. We specifically request multi-point downgradient water quality monitoring in the R-Aquifer; development of a long-term post-closure sampling program for at least 15 years; and sampling in on-site water monitoring wells and springs at Havasu Springs, Indian Garden Springs, and Blue Springs. We also ask that dye tracers be used to determine flow rates, pathways, and connectivity between perched and deep aquifers and connected seeps, springs, and streams. These costs should be borne by Energy Fuels pursuant to Section VII(12) in the Record of Decision ("ROD") where it is required that "[r]adiological surveys and appropriate cleanup measures" be taken "for all unplanned events, including . . . failure of the surface water control structures," such as the failure of the impoundments to contain the full amount of discharge from Canyon Mine due to the perched aquifer piercing, and Energy Fuels' desperate resorting to spraying (and apparently now an unauthorized drip system) to contain associated excess discharges. Pursuant to the ROD, "[a]ll [such] monitoring will be by independent contractors and all costs shall be borne by the applicant." *Id.* Compliance with this provision should serve as a pre-condition to the granting of any aquifer protection permit by ADEQ to Energy Fuels, and mandatory remediation should be implemented if this sampling shows contamination.

The federal approval documents for Canyon Mine also make reference to "[a] water well to the Redwall-Muav aquifer" to be "constructed and

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tested prior to the intersection of ore by mining operations.”<sup>14</sup> This monitoring well does not appear to have been constructed, and there is no better time for Energy Fuels to do so than now given the value of this well in protecting water quality in the R-Aquifer. Indeed, the ROD specifies that “[radiological m]onitoring will continue until sufficient data is available to ensure that there are no significant off-site radiological impacts” and that “[i]f new information surfaces which suggests the need for an expanded groundwater monitoring program,” such as the puncturing of a perched aquifer and elevated contaminant levels in that groundwater, the Forest Service has “the right to impose additional monitoring and mitigation measures it deems necessary, including the construction of other groundwater monitoring wells.”<sup>15</sup> Accordingly, ADEQ should also set the construction of this R-Aquifer testing well and other needed groundwater monitoring wells as pre-conditions to the issuance of any aquifer protection permit. These are requirements that Energy Fuels is already aware of and subject to, and will provide ADEQ with the data it needs to ensure protection of the environment and of public health and safety.

Now is the appropriate juncture for ADEQ to ensure that activities at Canyon Mine not further endanger public health or safety. This can be facilitated by ADEQ not renewing Energy Fuels’ General Permit and instead transitioning Energy Fuels to an individual permit for the sole purpose of closing down Canyon Mine and facilitating post-closure monitoring, maintenance, and remediation. This is imperative given the recent changed circumstances at the Mine associated with the piercing of at least one perched aquifer (the full extent of damage to groundwater resources is not currently known) and the alarming levels of arsenic and uranium in the discharges from the Mine that pose a grave risk to public health and safety in the region. This threat will continue to exist under *any circumstances*, whether the Mine is closed or continues, though continued operations will magnify the threat. Given this, closure is the correct and only legally viable path forward in order to ensure protection of the environment, and protection of public health and safety.<sup>16</sup> Anything short of that would be contrary to law, not supported by substantial evidence, arbitrary and capricious, and an abuse of discretion.

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<sup>14</sup> ROD at 12.

<sup>15</sup> *Id.*

<sup>16</sup> The Tribe does not support continued operations at the Mine, but given the discrepancies between the original General Permit application and what has happened at the Mine site since then, the only way ADEQ could even begin to consider continued operations is in the context of a new individual permit application and new discharge authorization. To do anything else would be a flagrant violation of the law.

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**III. REQUEST FOR RESPECTFUL ENGAGEMENT BEFITTING SOVEREIGN-TO-SOVEREIGN COMMUNICATIONS**

In addition to asking that ADEQ not renew Energy Fuels' General Permit and instead transition Energy Fuels to an individual permit for the sole purpose of closure and post-closure activities, the Tribe requests that ADEQ engage regularly with the Tribe on this subject and openly share information relating to developments at Canyon Mine in real time. As a sovereign, the Tribe should not have to hear about these developments that so greatly affect its interests from non-governmental third parties. Additionally, the Tribe asks for a full copy of ADEQ's file re Canyon Mine, including the documents identified in the attached list.

Given the importance of this issue to the safe drinking water supply of all of Northern Arizona, and indeed of the State, we also ask that ADEQ undertake an open and public process for reviewing this application through the posting of public notice, provision of an opportunity for public comment, and hosting of public hearings in the locations specified by the Conservation Groups, especially in Supai Village.

Respectfully submitted,



Muriel Uqualla, Chairwoman  
The Havasupai Tribe

Cc: Congressman Tom O'Halleran  
Coconino County Board of Supervisors  
Supervisor Heather Provencio, Kaibab National Forest

## **Documents Requested by the Havasupai Tribe**

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- Notice of Intent re the Aquifer Protection Permit for Canyon Mine dated 6/10/2009
- Renewal Form re the Aquifer Protection Permit for Canyon Mine dated 7/16/2014)
- Renewal Form re the Aquifer Protection Permit for Canyon Mine dated 2019
- The results of all Klinkenberg (or equivalent) permeability tests that Energy Fuels has conducted on rock samples at Canyon Mine
- Copies of any notices that Energy Fuels has provided to ADEQ re permeability test results that exceed  $1.0 \times 10^{-7}$  cm/sec at Canyon Mine
- Annual Reports from the Canyon Mine operator for 2013, 2014, and 2015
- Copies of any inspection reports issued by ADEQ re Canyon Mine
- Copies of any contingency plans re the Canyon Mine impoundment
- Any reports of overtopping of the impoundment at Canyon Mine
- Any documents re the spraying at Canyon Mine
- Any Stormwater Pollution Prevention Plan applicable to Canyon Mine