GENERAL ASSEMBLY OF NORTH CAROLINA
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(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Referred to:	

A JOINT RESOLUTION EXPRESSING THE NORTH CAROLINA GENERAL ASSEMBLY'S OPPOSITION TO URANIUM MINING IN VIRGINIA, INCLUDING THE PROPOSED VIRGINIA URANIUM, INC. PROJECT AT COLES HILL, AND TO THE ELIMINATION OF THE EXISTING LEGISLATIVE MORATORIUM ON URANIUM MINING IN VIRGINIA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Whereas, in the past four years there have been a number of studies relating to uranium mining in Virginia, several of which have dealt specifically with the proposed Virginia Uranium, Inc. mine and milling facility at Coles Hill in Pittsylvania County, upstream of the John H. Kerr Reservoir, Lake Gaston, and communities in northeast North Carolina; and

Whereas, two of the studies consisted of economic assessments of the proposed Coles Hill project, and both studies found that one large, or several small, accidents or releases would significantly reverse the economic benefit of the project, even if no serious harm to people or the environment occurred; and

Whereas, at the request of the Virginia Coal and Energy Commission, the National Academy of Sciences (NAS) has completed a study entitled "Uranium Mining in Virginia: Scientific, Technical, Environmental, Human Health and Safety, and Regulatory Aspects of Uranium Mining and Processing in Virginia," the purpose of which was to address a series of detailed questions about uranium mining, processing, and reclamation in order to assist the Commonwealth of Virginia in making decisions concerning the proposed uranium mining project; and

Whereas, the NAS study indicates that: (1) disposal cells in which radioactive tailings are stored represent significant long-term risks for radiological and other contamination; (2) limited data exists to confirm the long-term effectiveness of uranium tailings disposal cells; and (3) extreme natural events combined with human error have the potential to result in the release of contaminants if disposal cells are not designed, constructed, or maintained properly, or if such cells fail to perform as envisioned; and

Whereas, the NAS study concluded that the Commonwealth of Virginia has no experience with uranium mining, that the federal government has little or no experience applying existing laws and regulations to states with wet climates and extreme precipitation events, and that "there are gaps in legal and regulatory coverage for activities involved in uranium mining, processing, reclamation, and long-term stewardship…[and]…steep hurdles to be surmounted before mining and/or processing could be established within a regulatory environment that is

appropriately protective of the health and safety of workers, the public, and the environment."; and

Whereas, Michael Baker Engineers and the National Center for Computational Hydroscience and Engineering, under contract to the City of Virginia Beach, completed a study (the "Michael Baker Study") of the downstream water quality impacts that would occur from a hypothetical, catastrophic breach of a single, above-grade uranium mine tailings cell located near Coles Hill; and

Whereas, it is acknowledged that if all of the tailings are secured in properly designed, constructed, and maintained below-grade disposal cells, the likelihood of a major release of tailings to surface water is significantly reduced; and

Whereas, although existing regulations indicate that below-grade disposal of uranium tailings is preferable to above-grade disposal, exceptions have been made for environmental reasons, such as conflict with groundwater conditions, or for reasons of economic feasibility, both of which may exist at the Coles Hill site or at heretofore undiscovered uranium mining sites; and

Whereas, the NAS study specifically dismissed the notion that below-grade disposal of tailings would automatically be required, noting that the first mine and mill permit to be issued in more than three decades allowed partially above-grade disposal cells, notwithstanding the fact that the safest and most environmentally sound solution was below-grade disposal; and

Whereas, the Michael Baker Study indicates that in the aftermath of an assumed catastrophe, radioactivity in the main body of Kerr Lake and Lake Gaston would remain above United States Environmental Protection Agency Maximum Contaminant Levels for up to three months during wet years and up to sixteen months during dry years; and

Whereas, for a number of legal, regulatory, political, institutional, and technical reasons, it is highly likely that a major release of tailings downstream from the Coles Hill site would force the North Carolina communities downstream, including Kerr Lake, Lake Gaston, and Roanoke Rapids to discontinue water withdrawals for indefinite periods of time; and

Whereas, release of radioactive tailings such as that modeled in the Michael Baker Study would have devastating adverse economic and other effects on the communities in northeastern North Carolina; and

Whereas, even a release of radioactive tailings of lesser proportions than the worst-case scenario modeled in the Michael Baker Study would result in serious economic impacts to those areas even after radioactivity levels declined to levels within legal limits because of the inevitability of negative public perceptions and the resultant damage to the region's image and reputation as attractive business and vacation destinations; and

Whereas, while the probability of a major tailings release is small, the adverse consequences of such a release would be enormous and unacceptable; and

Whereas, on July 9, 2012, the North Carolina delegation to the Roanoke River Basin Bi-State Commission stated, by resolution, its opposition to uranium mining in Virginia, including the proposed Virginia Uranium, Inc. project at Coles Hill, and to the elimination of the existing legislative moratorium on uranium mining in Virginia; and

Whereas, on July 9, 2012, the North Carolina delegation to the Roanoke River Basin Bi-State Commission requested, by resolution, that the Roanoke River Bi-State Commission concur with the North Carolina delegation to the Commission by official resolution; and

Whereas, on August 27, 2012, the Roanoke River Basin Bi-State Commission adopted a resolution advising the General Assemblies and the Governors of the Commonwealth of Virginia and the State of North Carolina on the mining and milling of uranium in Virginia; and

Whereas, on August 27, 2012 the Roanoke River Basin Bi-State Commission, by resolution, supported the prohibition on uranium mining in Virginia, and stated its opposition to elimination or modification of the existing legislative moratorium in Virginia; and

Whereas, the Roanoke River Basin Bi-State Commission transmitted its resolution to the General Assembly of North Carolina; Now therefore,

Be it resolved, by the House of Representatives, the Senate concurring,

SECTION 1. The General Assembly of North Carolina expresses its opposition to uranium mining in Virginia, including the proposed Virginia Uranium, Inc. project at Coles Hill, and further opposes the elimination of the existing legislative moratorium on uranium mining in Virginia.

SECTION 2. The Secretary of State shall transmit certified copies of this resolution to each member of the North Carolina Congressional delegation, the General Assembly of Virginia, and the Governor of Virginia.

SECTION 3. This resolution is effective upon ratification.