

May 1, 2024

Joel Ferry  
Executive Director  
Utah Department of Natural Resources  
joelferry@utah.gov

Kimberly D Shelley  
Executive Director  
Utah Department of Environmental Quality  
kshelley@utah.gov

**RE: GREEN RIVER URANIUM LEGACY SITE AND LITHIUM MINING PROPOSAL**

Directors Ferry and Shelley:

We, the undersigned, write to express the need for robust community outreach regarding the status of groundwater management and the potential impacts of a proposed lithium mining operation near the Green River Disposal Cell, one of 22 remediation locations across the nation that exists pursuant to the Uranium Mill Tailings Control Act (UMTCA).<sup>1</sup>

With the recent “blowout” at the Blackstone Minerals/Anson Resources site, there are even more reasons to believe that this is an untenable location for a new industrial operation tapping groundwater supplies and drilling a reinjection regime in a high-pressure geologic zone. Notwithstanding those concerns, the legacy of uranium milling mere feet from where Blackstone/Anson wants to operate leaves us wondering about the Department of Energy’s long-term remediation efforts in partnership with the State of Utah.

It is the job of regulators to protect the public welfare. From what we understand, the State of Utah did not consult with Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC) during the first and second protest periods after Blackstone Minerals filed Water Rights Application 92-695. The state’s reticence raises questions about the effect of the current management regime at the Green River Disposal Cell and the potential impacts that the Blackstone Minerals/Anson Resources project could have on the public welfare.

We request that all divisions tasked with permitting the project within the jurisdiction of the Department of Natural Resources and the Department of Environmental Quality host joint meetings within Emery and Grand Counties to address the following issues:

**THE PUBLIC NEEDS MORE INFORMATION FROM STATE AGENCIES AND THE FEDERAL GOVERNMENT**

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<sup>1</sup> Department of Energy. Fact Sheet: Green River, Utah, Disposal Site. April 2020. <https://www.energy.gov/sites/prod/files/2020/06/f75/GreenRiverFactSheet.pdf>

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The proposed groundwater wells for the Blackstone Minerals/Anson Resources lithium project are located within an Area of Concern (AOC)<sup>2</sup> approved by the State of Utah and incorporated into the Department of Energy’s Draft Groundwater Compliance Action Plan (GCAP) for the Green River site. See Figure 1.

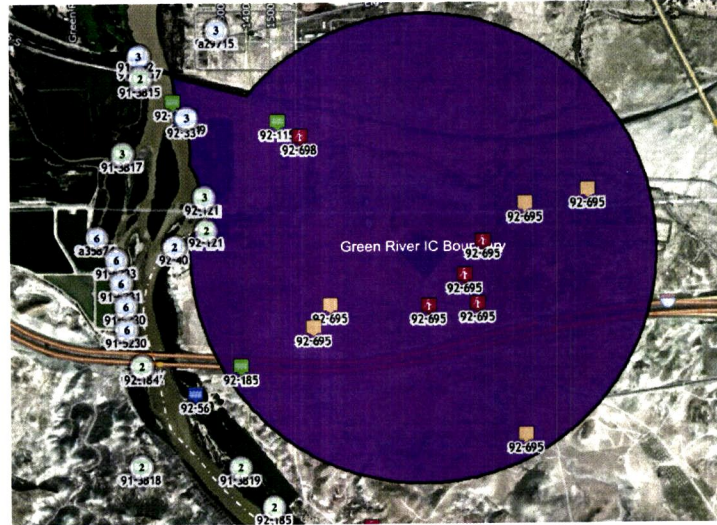


Figure 1: Area of Concern, in purple, which encompasses Blackstone Minerals proposed well sites, 92-695.

Following the creation of the Draft GCAP and AOC, recent documents from federal regulators raise red flags about the management of such a sensitive area.

For undisclosed reasons, federal officials, unlike the state of Utah, never formally adopted the draft GCAP. However, in a memo from the Nuclear Regulatory Commission (NRC), regulators expressed concern about state and federal management at the Green River site.

“NRC staff remain concerned that the Area of Concern program as described in the 2011 GCAP does not appear to be both durable and enforceable.”<sup>3</sup>

The proximity between the Green River cell and the proposed lithium operation is jarring. And archived correspondence between federal and state regulators highlights uncertainty about whether new mining projects could comply with the existing GCAP adopted by the State of Utah and ensure the safety of community members, workers, and the environment. Proposals for Blackstone Minerals/Anson Resources will require drilling into and through the Cedar Mountain formation and may include other wells in the proximity of Brown’s Wash in the Green River alluvium. We do not believe that federal regulators ever foresaw deep drilling in volatile geologic formations as an option within the AOC.

<sup>2</sup> Utah Division of Water Rights. Green River Area of Concern. Last accessed April 22, 2024.

<sup>3</sup> Nuclear Regulatory Commission. Acceptance Evaluation of DOE RAI Response. April 19, 2019.

<https://www.nrc.gov/docs/ML1912/ML19126A241.pdf>

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“The AOC is established to restrict the use of groundwater in the Cedar Mountain Formation and the Green River alluvium within this prescribed area. Specifically, the restriction is that no wells shall be completed in the Cedar Mountain Formation within the area and groundwater extracted from the Green River alluvium shall not be used for domestic purposes. Therefore, by definition, a well drilled outside the AOC becomes a potential point of exposure.”<sup>4</sup>

The Draft GCAP requires DOE and the State Division of Radiation Control to file a protest when proposed points of diversion fall within the AOC. In the case of the Water Rights applications for Blackstone Minerals/Anson Resources that never happened for application 92-695.

Why was that the case?

“The State of Utah updates the AOC program weekly; if a well permit is filed that falls within this area, both the Utah Division of Radiation Control and the DOE are notified. The Utah Division of Radiation Control and the DOE will then file a protest with the State engineers' office to deny the well permit application.”<sup>5</sup>

We do not know why the situation unfolded as it did. Nevertheless, NRC regulators foresaw the potential for communication breakdowns, expressing concern via inter-agency correspondence in 2019.<sup>6</sup>

“For the Green River Site, it is not clear to NRC staff that filing a protest with the State of Utah's engineer's office to deny the well permit application is both a durable and enforceable institutional control and therefore protective of public health and safety. First, it is not clear to NRC staff that all private property owners will, currently and in the future, file for a well permit with the State of Utah's engineer's office prior to completing a groundwater well. Second, it is not clear to NRC staff what recourse DOE has to enforce denial of the well permit application if the State of Utah's engineer's office elects to permit the well application regardless of DOE's protest. Additionally, although a permit for drilling private water production wells greater than 30 feet in depth and public water supply wells is required per Utah Administrative Code R655-4, “Water Wells,” it is not clear to NRC staff that all private property owners will, currently and in the future, file for a well permit with the State of Utah’s engineer’s office prior to completing a groundwater well. It is not clear to NRC staff what recourse the State of Utah’s engineer’s office has to limit use of water produced from non-permitted water supply wells.”

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<sup>4</sup>*Ibid*

<sup>5</sup>*Ibid*

<sup>6</sup>*Ibid*

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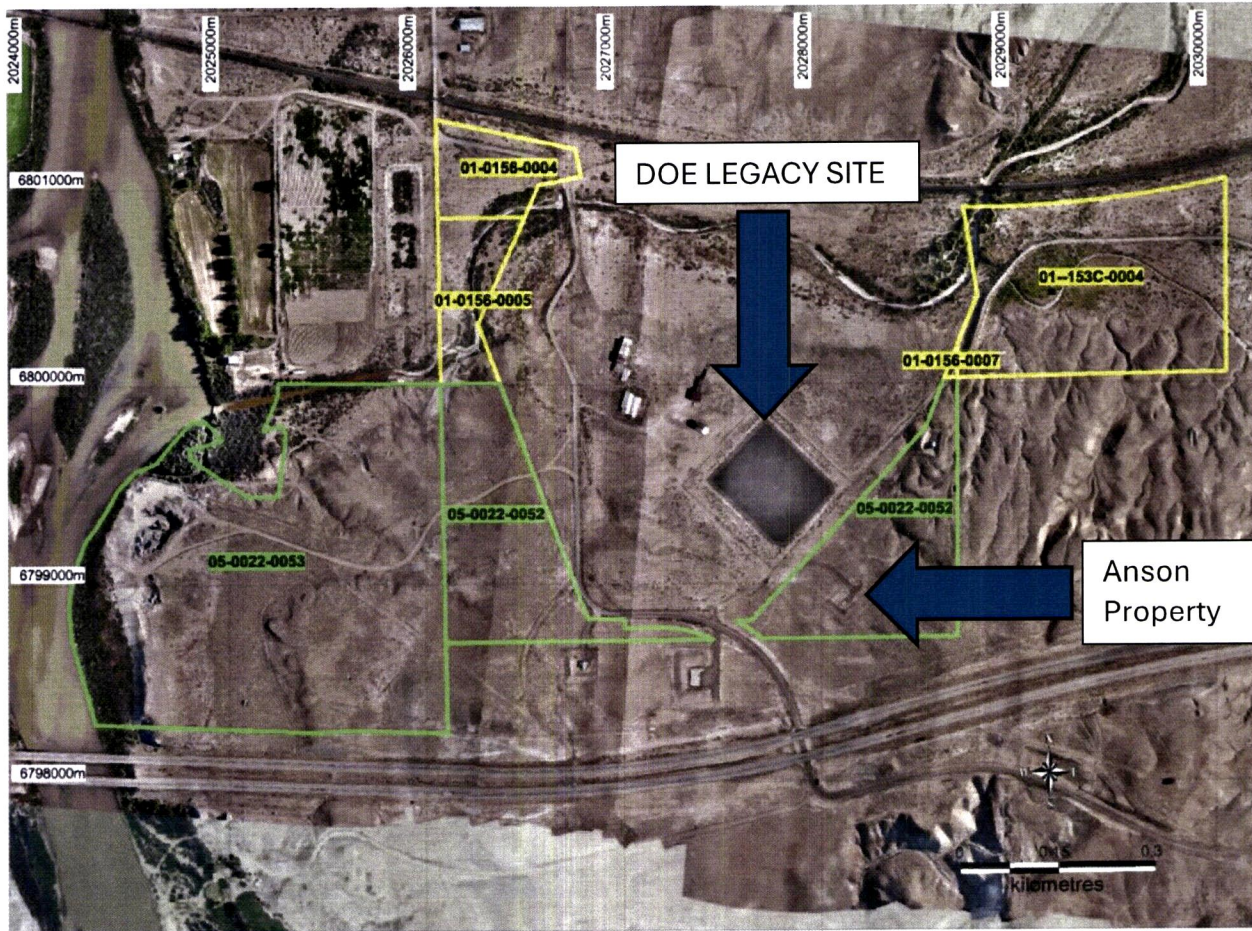


Figure 2: Green and Yellow lines highlight Anson Resources' acquired land from Boysdaba Holdings, which has ties to public officials in Green River and blue arrow points to contaminated milling site managed by DOE.

Blackstone Minerals/Anson Resources has multiple private property holdings in the vicinity of the AOC. With 382,000 cubic yards of radioactive material nearby, it is vital that the public knows the management plans for federal and state regulators who are tasked, first and foremost, with protecting the public welfare. After all, the 2011 report highlights that many concentrations of analytes — like selenium and uranium — are not decreasing in the vicinity of the AOC.<sup>7</sup> A 2022 report from DOE affirms that notion as well for Point of Compliance wells.<sup>8</sup> Considering Utah's response to application 92-695, it appears the state is leading us to believe that the AOC and GCAP are steadfast protection mechanisms for the public.

The recent blowout at the Blackstone Minerals/Anson Resources exploratory drilling site highlights a need for greater transparency from state and federal regulators as well as Blackstone Minerals/Anson Resources continues to make appeals to investors, regulators, and the public.

<sup>7</sup> Department of Energy. *Groundwater Compliance Plan for Green River, Utah, Disposal Site*. December 2011. Pages 8-9. <https://www.nrc.gov/docs/ML1206/ML12068A089.pdf>

<sup>8</sup> Department of Energy. *Annual Site Inspection and Monitoring Report for Uranium Mill Tailings Radiation Control Act Title I Disposal Sites*. Chapter

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To wit, the Division of Water Rights, the Division of Environmental Quality, the Division of Oil, Gas, and Mining, and the Division of Radiation Control have left the public in the dark. It is time you all shine a light on these urgent matters for the people of Emery and Grand Counties.

We hope that meetings can be held in Grand and Emery Counties with representatives from the Utah Division of Water Rights, the Department of Water Quality, the Division of Radiation Control, the Division of Environmental Quality, the US Nuclear Regulatory Commission and the US Department of Energy to answer the following questions:

- Why did the Division of Radiation Control NOT file water rights protests?
- Why did the state NOT immediately contact federal regulators when water rights applications were first filed?
- Does the state believe that deep wells can be drilled within the Area of Concern?
- Since Utah approved the GCAP, why did regulators fail to follow protocols outlined in the plan?
- Does the state have an emergency response plan for its property near the DOE site?
- Does the state have an emergency response plan for residents near the DOE facility?

As residents and advocates of Green River in both Emery and Grand County we have not been able to ask these questions in a public meeting where all the involved parties are present. It is our fear that the communication between agencies has been lacking, leading to an erosion of trust in the agencies that are there to protect the public welfare.

Thank you,

Gayna Salinas PO Box 129  
Resident grredeemed@gmail.com  
Green River, Utah 84525

Robert and Julie Steuer  
Resident  
Green River, Utah

Tammy Howland  
Resident  
Green River, Utah

Amy Wilmarth  
Resident  
Green River, Utah

Christine K. Sheeter  
Resident  
Green River, Utah

Annalee Howland  
Resident  
Green River, Utah

Nancy Dunham  
Resident  
Green River, Utah

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Kathy Arnold  
Resident  
Green River, Utah

Kelly Dunham  
Resident  
Green River, Utah

Jennifer Cothran  
Resident  
Green River, Utah

Trigg and Jeff Gerber  
Owners  
9476 Crystal Geyser Road  
Green River, Utah

John Weisheit  
Conservation Director  
Living Rivers  
[john@livingrivers.org](mailto:john@livingrivers.org)

Brandon Weiterington  
Resident  
Green River, Utah

Craig and Wendy Lechleiter  
Resident  
Green River, Utah

Jayne Mecham  
Resident  
Green River, Utah

Sarah Fields  
Program Director  
Uranium Watch  
[Sarah@uraniumwatch.org](mailto:Sarah@uraniumwatch.org)

Kyle Roerink  
Executive Director  
Great Basin Water Network  
[kyleroerink@greatbasinwater.org](mailto:kyleroerink@greatbasinwater.org)

CC:  
Utah Division of Water Rights  
Utah Division of Oil, Gas and Mining  
Division of Radiation Control  
U.S. Nuclear Regulatory Commission  
U.S. Department of Energy

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Waterrights DNR <waterrights@utah.gov>

## Lithium and uranium in Green River, Utah

1 message

**Gayna Salinas** <grredeemed@gmail.com>  
To: waterrights@utah.gov, teresawilhelmsen@utah.gov

Wed, May 1, 2024 at 9:31 PM

Please carefully read the attached letter about the area of concern in Green River, Utah.  
Thank you,  
Gayna Salinas

 **BLACKSTONE\_ANSON LETTER TO DNR DEP 05012024.pdf**  
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