A RESOLUTION OPPOSING THE MINING OF URANIUM IN THE COMMONWEALTH OF VIRGINIA IN THE ABSENCE OF AN UNBIASED, CONCLUSIVE STUDY ON THE POTENTIAL EFFECTS THEREOF

WHEREAS, in 1983, in response to proposals to mine uranium in the Commonwealth of Virginia, the General Assembly enacted a legislative moratorium on the mining of uranium in Virginia, which remains in effect today; and

WHEREAS, present-day estimates of uranium ore in Pittsylvania County and the price of uranium yellowcake indicate that uranium deposits in Pittsylvania County may be worth as much as $7 to $10 billion, prompting proposals to study the consequences of repealing the moratorium and developing a regulatory framework for uranium mining; and

WHEREAS, a company known as Virginia Uranium, Inc. has proposed to establish one of the largest uranium mining operations in North America in Pittsylvania County; and

WHEREAS, uranium mining by the process likely to be used in Pittsylvania County, if such mining is ultimately approved, results in the creation of huge volumes of highly mobile, radioactive, sand and clay-like sediments known as mill tailings, which are stored as slurries and sludge in ponds, and ultimately as dewatered tailings piles, where they retain 85% of their original radioactivity for hundreds of thousands of years; and

WHEREAS, historically, tailings pile confinement structures have failed in the United States and elsewhere, resulting in the release of radioactive particles and sediments to downstream surface waters; and

WHEREAS, it is well-documented and generally agreed within the scientific community that long-term exposure to the level of radiation that could result from a failure of a tailings pile confinement structure, or even a less catastrophic release, are highly deleterious to human health; and

WHEREAS, historically, many uranium mines have not been properly operated or closed, or in many instances have been abandoned, resulting in radioactive contamination of ground and surface waters, and in some cases leaving a legacy of environmental and human tragedy; and

WHEREAS, all uranium mines in the United States have, to date, been located in states with low rainfall and high evaporation rates, both of which are important factors in managing water and minimizing flooding, whereas Virginia’s climate includes frequent tropical storms, hurricanes, and nor’easters, many of which have produced more rainfall

in a few hours than the total annual precipitation of the arid states where the nation's uranium mines are located; and

WHEREAS, by contrast, Virginia's surface water hydrology has the capacity to cause significant erosion and structural damage to tailings piles, dams, and caps while simultaneously providing long-distance, transport and dispersal downstream of radioactive sediments released as a consequence of such erosion and damage, and many of the uranium mining catastrophes in arid states were caused by the inability to properly manage water, even though water management in such states is much less problematic than in Virginia; and

WHEREAS, these past environmental disasters were also attributable to serious deficiencies in the practices of the uranium mining industry and inadequate federal regulation, such that in the United States, the federal government was forced to intervene to remediate the harm and damage, and after two and one-half decades of remediation and billions of dollars of expenditures, those efforts are still underway; and

WHEREAS, Virginia Beach and Chesapeake own a raw water intake on Lake Gaston, which is downstream of the proposed mining operation in Pittsylvania County, and water from the Lake Gaston Project is intermixed throughout the water supplies of Chesapeake, Norfolk, and Virginia Beach; and

WHEREAS, if a flood of the magnitude of that caused by Hurricane Camille in 1969 were to fragment one or more tailings piles and transport radioactive mill tailings downstream into Kerr Reservoir and Lake Gaston, the Lake Gaston Project might be rendered inoperable for an indefinite period of time; and

WHEREAS, a worst-case scenario would include abandonment of the lake Gaston Project, termination of the water services contract with Norfolk (requiring the payment to Norfolk of its stranded capital costs), and the construction of a seawater desalination plant to replace the abandoned water supply at a direct cost to Virginia Beach in excess of $500 million; and

WHEREAS proponents of uranium mining do not dispute the environmental consequences of past uranium mining practices in the United States or elsewhere, but instead maintain that much more stringent regulations and improved uranium tailings confinement technology will prevent any significant release of radioactive substances downstream; and

WHEREAS, no mines or uranium tailings confinement cells have ever been constructed in locations, such as Virginia, that are subject to frequent tropical storms, hurricanes, nor'easters, and other storms that can and have produced precipitation approaching the Probable Maximum Precipitation (PMP), as defined by the National Weather Service, such that there can be no reasonable assurance under the present state of knowledge of the subject that uranium mining can be performed safely in Virginia; and

WHEREAS, on November 6, 2008, the Virginia Coal and Energy Commission (VCEC) adopted a resolution urging the Virginia Center for Coal and Energy Research (VCCER) to enter into an agreement with the National Academy of Sciences, or other comparable scientific or academic institution independent of the Center, to conduct a wide-ranging study of the impact of uranium mining in the Commonwealth of Virginia; and

WHEREAS, the City of Virginia Beach does not oppose an unbiased, scientific study of the potential impacts of uranium mining in Virginia by an independent entity such as the National Academy of Sciences.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That unless and until it can be demonstrated a reasonable degree of scientific certainty that there will be no significant release of radioactive sediments downstream under any circumstances, including, but not limited to, a direct hit on the mining facilities by a Probable Maximum Precipitation (PMP) storm event, the City of Virginia Beach is opposed to: (1) uranium mining in Virginia, including the proposed Virginia Uranium operation; (2) the elimination of the existing legislative moratorium on uranium mining, and (3) any attempt to develop a regulatory framework for uranium mining.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That any study commissioned by or used by the Commonwealth of Virginia to determine the feasibility of uranium mining in Virginia must include the following criteria:

(1) The study must thoroughly evaluate the risks, including those resulting from a worst-case scenario as previously described, to the citizens of Virginia and assess whether uranium mining and milling in Virginia can be undertaken in a manner that will completely safeguard the Commonwealth's environment, natural and historic resources, agricultural lands, and the health and well-being of its citizens;

(2) The entire study process must be open to the public and the press;

(3) The City of Virginia Beach and other potentially impacted jurisdictions must be included as active participants in the study process;

(4) The study must be conducted, and the conclusions of such study shall be determined, by a group of qualified and impartial experts, such as the National Academy of Sciences, who are completely

independent of the uranium mining industry, the nuclear power industry, and any state commission that has assumed or been charged with the responsibility for providing such a study;

(5) A peer review group that is independent of the VCEC and the VCCER and includes adequate representation from environmental, public health, water supply and water resource agencies, including the Army Corps of Engineers, is established to monitor and critique the study; and

(6) That the study must be adequately funded and under no deadline for the completion of the study.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That the City Clerk is hereby directed to transmit a certified copy of this Resolution to each member and member-elect of the City's Congressional and General Assembly Delegations.

Adopted by the City Council of the City of Virginia Beach on the ___ day of _____ _____, 2008.

CA-10907
R-4
November 18, 2008