

Cotter's future: Mill or garbage dump?

It has been two years since the saga of the Cotter Corp. and Maywood, N.J. superfund cleanup first gripped Canon City. During that time, residents have struggled to comprehend the complicated mix of technical and social aspects sloshing beneath the surface of the uranium mills tailings ponds.

Now, with upcoming state health department meetings in May paving the way to a December decision on whether to relicense Cotter and let the mill use its tailings ponds as the final resting place for tons of out-of-state radioactive dirt, there is an opportunity for major players in this tainted story to help residents craft an informed opinion.

That appears to be happening in the case of Fremont County officials, but not with advocates of the Maywood proposal.

Early on, executives and lawyers for the Cotter Corp. argued publicly with some merit that the proposal to dump mildly radioactive soil from the Maywood cleanup in its tailings ponds poses no risk to the public. They claimed that the Maywood waste would cap Cotters own radioactive tailings and that fees from the disposal were vital to plans for a zirconium processing operation. No, there was no intent of turning the mill into a waste dump, company officials insisted. The Maywood dirt was a one-time deal; Cotters future remained firmly cemented in milling traditional ores, they claimed.

Our agenda is not to become a disposal facility ... Cotter Vice President Rich Ziegler said bluntly in an interview in September 2002.

The problem is that everything but the official company line says otherwise.

Cotter's corporate parent, General Atomics, almost immediately began shipping waste from a former uranium processing facility it owns in Gore, Okla., to Canon City after acquiring the mill in 2000. Nuclear industry insiders speculated that GA bought Cotter specifically to take advantage of a growing market for tailings and cleanup disposal.

And documents including Cotters own business plan show that disposal comprises a significant portion of Cotters potential future operations. In fact, in the Environmental Assessment Report submitted as part of Cotters license renewal application, the tonnage of raw ore that Cotter estimates it will mill in the next five years is about one-eighth the amount the company plans to dispose of directly in its tailings ponds. In other words, seven-eighths of the material to be deposited in tailings ponds will be directly disposed matter and not tailings from milling operations at the plant.

(Now) Confusing matters more, comes a supposedly impartial voice making a statement tantamount to: Cotter has always been a disposal facility, so what's the big deal?

This message was conveyed in a subtle January 2004 press release from the Fremont County Independent Outreach Committee regarding an inventory of Cotters tailings. In the (prepared) statement, outreach committee facilitator Angela Bellantoni noted (that) of the 1.5 million tons of material in Cotters primary impoundment, approximately 44 percent is "directly disposed material" in others words, dumped there without any processing whatsoever.

"That tells us that direct disposal is not a new concept for Cotter but in fact has comprised close to half their ((sic)) operations for at least the last 20 years, said

Bellantoni, who is paid an undisclosed amount by Cotter as head of the FCIOC. She has refused to reveal the specifics of her contract.

The outreach committee's declared mission is to share its work "openly and honestly and without sacrificing ... objectivity, balance and independence." Yet a close reading of the January press release reveals little more than a one-sided sales pitch based on the fallacious reasoning that half the contents of the mills tailings pond were never milled.

Indeed, the numbers Bellantoni uses to advocate her position are problematic. According to the data provided by Cotter, nearly 90 percent of the 698,841 tons of material "directly disposed" (in the primary impoundment came precisely from the mills own Superfund cleanup.) That includes just under 80,000 tons from cleanup and remediation on Sand Creek; nearly 360,000 tons from the cleanup of Cotters old tailings ponds; and 156,000 tons from cleanup of a Canon City rail siding and depot contaminated by uranium shipments to Cotter.

To use those quantities to justify future use of tailings ponds as disposal cells is a kind of circular accounting analogous to Enrons practice of padding its revenue by racking up hundreds of millions of dollars in sales to itself. Cotter made the mess and now the FCIOC claims that the company has always been in the disposal business because it cleaned up its own waste and dumped it in its tailings ponds.

In an interview Friday, Bellantoni defended the press release, saying the outreach committees conclusions were based on a purely physical analysis of the tailings. It mattered not where the tailings came from, she said, only what the material was. Because the Maywood soils and Cotter tailings are classified as physically, chemically and radiologically identical under Atomic Energy Act regulations, she continued, the same rationale applies. Direct disposal for Maywood is a logical choice.

It's a point the FCIOC highlighted in its press release by including comments from mill manager Pat Mutz about all directly disposed material in the impoundments being consistent with Cotters operating license. A subtle way of saying that directly disposing of waste, no matter where it comes from, is OK as long as the technical requirements and classifications are met.

I really believe there is a misunderstanding (about the Maywood proposal), Bellantoni said. They view it as nuclear waste ... and its not.

Such oversimplification, in addition to insulting the intelligence of the community, misses the point entirely. This is not a black and white argument on whether Maywood or any other radioactive soil is simply physically appropriate for disposal in a uranium ore tailings pond.

If this debate were over a purely physical matter, as Bellantoni and Cotter say it ought to be, then we should have no problem, for example, reaching into a trash can while in line at McDonalds and plucking a half-eaten burger and fries from among the napkins, cups and discarded ketchup packets -- for free. It would simply be a question of meat, potatoes, bread and economics.

But there's a deeper reason people tend not to eat out of the garbage.

And there's finally a group that understands that. After two years of contemplation, Fremont County commissioners have now publicly recognized the social and psychological dilemmas of the Maywood disposal proposal.

In response to an environmental assessment undertaken as part of the mills relicensing, the commissioners still applauded the economic importance of the mill and stated that they do not want to see it shut down. But to that endorsement, they have added an important caveat that succinctly distills the Cotter debate to its essentials.

In the April 7 document, the commissioners object to radioactive waste soils being supposedly milled “as a sham” and to the Canon City mill becoming a dumping ground for Superfund and other direct-disposal waste materials.

Under its license, Cotter might legally dispose of such mildly radioactive material in its tailings ponds, the commissioners acknowledge, but that “does not change the fact that these products are not coming to the site for processing in the mill, but rather for the primary, and perhaps sole, purpose of final disposal. This function has only remote ties, if that, to the 48-year history of milling and processing ores from mining operations.”

If Cotter insists on making disposal an integral part of its business as the most recent press release from the outreach committee intimates, the community suffers the impact of the stigma created by such activities, the commissioners concluded.