

Powertech Uranium Corp sues Colorado over northwestern Weld County site

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A Canadian company seeking to mine uranium in northwestern Weld County has filed suit against the state of Colorado, claiming that recently adopted rules for keeping groundwater clean are unreasonable.

Powertech Uranium Corp., through its South Dakota subsidiary Powertech (USA) Inc., filed the action Nov. 1 in Denver District Court.

The suit challenges various specific rules, adopted in August, designed to require companies such as Powertech to return the groundwater to its original purity when the process is complete.

The suit names as defendants the Colorado Mined Land Reclamation Board and Mike King, executive director of the Colorado Department of Natural Resources.

King could not be reached for comment Friday, but Todd Hartman, natural resources spokesman, said, "We're still examining the lawsuit, but our initial response would be to emphasize that we have an extensive stakeholder process and rule-making process that's behind those uranium-mining regulations. We feel that it's a strong process and, of course, we think it's critically important to be protecting the state's water supplies."

The suit also claims lawmakers illegally tried to control how regulators implemented two 2008 laws requiring Powertech to keep its mine from polluting groundwater. Among the lawmakers listed are Reps. John Kefalas and Randy Fischer of Fort Collins.

Neither lawmaker could be reached for comment Friday.

At a proposed site between Nunn and Wellington, Powertech wants to pump treated water underground to dissolve uranium and then pump the uranium to the surface. The mine would be about 15 miles northeast of Fort Collins.

During the August rulemaking session on uranium and prospecting, the Mined Land Reclamation Board adopted two changes to revised draft rules posted to the Division of Reclamation, Mining and Safety website in Jan. 2010. The first requires in-situ uranium mining applicants to conduct baseline groundwater characterization studies prior to starting prospecting. The draft rules only required that groundwater studies be completed prior to mining. The second change gives third parties that can demonstrate legal standing the opportunity to appeal prospecting decisions.

Powertech seeks to overturn the rules, calling them burdensome and capricious. It says a requirement that uranium mine applications must demonstrate water reclamation technology has been used at other mining sites is arbitrary.

The rules were crafted over a two-year process and were supported by conservation groups, Denver Water and several municipalities.

Robin Davis, whose ranch is adjacent to the proposed mine site, released this statement about the suit, “Powertech has told us from the very beginning they could and would restore our water. Now that we have regulations in place that will hold them accountable to their word, they sue the state of Colorado for protecting its resources. It's insulting. If it can't fulfill its promises of protecting our precious water supplies, Powertech should abandon this risky project.”

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