



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: 8P-W-GW

APR 26 2010

John Wagner, Administrator
Water Quality Division
Wyoming Department of Environment Quality
Herschler Building
122 W. 25th Street, 4th Floor
Cheyenne, WY 82002
Ref: 8P-W-GW

Re: Comments on WYUIC proposed permit: 09-586

Dear Mr. Wagner:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed Wyoming Department of Environmental Quality's (WY DEQ's) proposed permit number 09-586. The proposed permit would authorize five Underground Injection Control (UIC), non-hazardous Class I injection wells at the Lost Creek Disposal Wellfield, Facility No. WYS-037-0012, located in Sweetwater County, Wyoming.

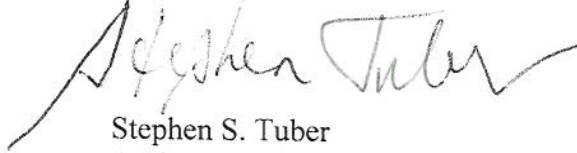
We appreciate information provided by your staff in a recent discussion, as well as their offer to provide a summary document detailing the basis for proposed approval of the Lost Creek permit, including WY DEQ's classification of the aquifers below the injection zone as non-underground sources of drinking water (non-USDWs). EPA requests that WY DEQ make this summary available to both EPA and the public for review and comment for at least 30-days prior to WY DEQ making a final decision on the proposed permit. Given the significant public interest and concerns expressed regarding in-situ recovery (ISR) projects and the inadequacies identified by EPA in Nuclear Regulatory Commission's (NRC's) three draft Supplemental Environmental Impact Statements (SEISs), public disclosure of additional information relevant to the permitting and licensing processes is warranted. If you were to grant our request, it would help ensure full disclosure and allow the public to be more fully informed regarding the Lost Creek project. While we recognize that WY DEQ is under no legal obligation to publish its proposed basis for its UIC permitting decision and make this available for public review and comment, it is in the public's best interest to take this additional step to ensure more transparent decision-making.

We also wanted to alert you to the current discussions between EPA and the NRC regarding resolution of EPA's comments and completion of NRC's National Environmental Policy Act (NEPA) activities for these projects, since you may wish to consider the additional information developed by NRC as you exercise your primacy authorities under the Safe Drinking Water Act.

As you know, EPA recently reviewed and commented on the NRC's draft SEISs for the Lost Creek project and two additional in-situ recovery ISR projects in accordance with our responsibilities under the National Environmental Policy Act, 42 U.S.C. § 4321, et.seq., and § 309 of the Clean Air Act, 42 U.S.C. § 7609. The primary concerns EPA has with the draft SEISs are the lack of the wastewater disposal alternatives analysis along with the limited discussion regarding waste management impacts and the lack of information regarding air pollutants and the impacts of those emissions. For each of these projects, deep Class I injection well disposal is the only wastewater disposal method analyzed in the SEISs. Site-specific information regarding the hydrogeology of the project areas and the potential groundwater impacts is also lacking, as is identification of mitigation measures to address project impacts. EPA rated the draft SEISs as "inadequate" and advised NRC to formally revise the documents consistent with the comments received by NRC, make them available for public review, and comment prior to completing its decision-making process. EPA and NRC are in ongoing discussions regarding this matter.

Thank you for the opportunity to formally comment on this proposed permit. If you have any further questions, you may contact me at 1-800-227-8917, extension 312-6241, or have your staff contact Sandra Stavnes, Acting Water Program Director, at 303-312-6117 or by email at stavnes.sandra@epa.gov.

Sincerely,



Stephen S. Tuber
Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

cc: John Corra, WYDEQ
George Langston, WYDEQ
Kevin Frederick, WYDEQ

