



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

22 April 2016

Cindy Bladey
Office of Administration
Mail Stop: OWFN-12-H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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81 FR 12143

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RULES AND DIRECTIVES
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RE: Docket ID NRC-2011-0148
Strata Energy, Inc., Kendrick Expansion Area In Situ Uranium Recovery Project Scoping

Strata Energy, Inc. (Strata) has requested authorization from the Nuclear Regulatory Commission (NRC) to expand its Ross In Situ Uranium Recovery (ISR) Project (Ross) to include the Kendrick expansion area (Kendrick) to allow Strata to construct and operate additional uranium recovery wells at Kendrick. Kendrick covers approximately 7,784 acres adjacent to Ross, in Crook County, Wyoming.

The Wyoming Department of Environmental Quality – Water Quality Division (WQD) is responsible with protecting surface water and groundwater quality in the State of Wyoming, and offers the following comments.

The scoping notice states that there are potential significant impacts to groundwater with this project. The WQD recognizes there are potential significant impacts to groundwater with all ISR operations; however, it is unclear if there are any site specific geologic or other conditions at the Kendrick location that would increase the inherent potential for significant impacts. If so, the WQD would like to participate as a cooperating agency to help develop an alternative which minimizes those risks and the SEIS should clearly describe them.

ISR methodology significantly reduces the surface disturbance compared with conventional uranium mining. However, surface disturbance, and consequently reclamation costs and potential for erosion and invasive species infestations, can be reduced further by using portable tanks rather than earthen pits to contain drilling fluids. The SEIS should consider an alternative which does not use pits for drilling fluids.

There are several WQD permits and other requirements that may apply to the project, depending on the eventual scope of the project.

- Storm Water Associated with Construction Activities. This permit is required any time a project results in clearing, grading, or otherwise disturbing one or more acres. The disturbed area does not need to be contiguous. The permit is required for surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, equipment staging and maintenance areas and any other disturbed areas

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associated with construction. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570, or John Gorman at 777-5622 for additional information.

- Discharge Permit. Any discharges to “waters of the state”, including discharges from cofferdam dewatering, discharges from hydrostatic pipeline testing, or discharge of other waste waters must be permitted under the Wyoming Pollutant Discharge Elimination System (WYPDES) program. This program is part of the federal Clean Water Act, but is administered by the WQD. For clarification, waters of the state include rivers, streams, dry draws, wetlands, lakes, reservoirs and even stock ponds. This permit will require some sampling and will incorporate effluent limits for any constituents of concern. Roland Peterson (307-777-7090) can provide additional information.
- Land Application or Road Application Permit. Water from hydrostatic pipeline testing may be applied to roads or land surfaces if it will not reach a water of the state, meets certain water quality standards and a permit is obtained from the WQD. Please contact Seth Tourney (307-777-7088) for land application information, or Dennis Lamb (307-473-3452) for road application information.
- Temporary Turbidity Variance. Wyoming has turbidity criteria for waters designated as fisheries or drinking water supplies. Any type of construction activity within these streams is likely to result in exceedences of these criteria. However, in accordance with Section 23(c)(2) of the Chapter 1 Surface Water Quality Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) of the Standards in response to an individual application for a specific activity. While it is not required to get this authorization, this project has the potential to exceed the turbidity criteria and a variance is recommended. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place. This process generally takes about 45 days. Please contact Cathy Norris at 307-777-6372 for more information.
- Spill Reporting. Chapter 4 of the WDEQ Water Quality Rules and Regulations requires that the WQD be notified of spills or releases of chemicals and petroleum products. The SEIS should reiterate this and explain how soils, groundwater and surface will be protected from releases of chemicals, petroleum products and produced water.
- Septic System Permit. This permit is required for installation of a septic tank and leachfield, or for any major repair or replacement of a septic system. Please contact Karen Farley (307-473-3478) for more information regarding septic systems in Crook County.

Permits/Authorizations from other Agencies:

- Water Supply Wells. The Wyoming State Engineer (SEO) has regulations governing the sanitary construction of water supply wells.
- Aquatic Invasive Species (AIS). Preventing the spread of aquatic invasive species (AIS) such as zebra/quagga mussels is a priority for the State of Wyoming; in many cases, the intentional or unintentional spread of organisms from one body of water to another would be considered a

violation of State statute and Wyoming Game and Fish Commission Regulation. To prevent the spread of AIS, there are several inspection and transportation requirements for equipment entering the state, operating in waters of the state and/or used to transport surface water. Further information on AIS regulations and requirements can be found at: wgfd.wyo.gov/AIS.

- Section 404. While not a state permit, this project may require a section 404 permit from the US Army Corps of Engineers. Any time work occurs within waters of the US a 404 permit may be required. Additionally, a number of activities such as dam construction will require section 401 certification from the state. Please contact the Corps (307-772-2300) for specific information regarding jurisdiction and requirements.

If you have any other questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Conrad", with a stylized flourish at the end.

Mark Conrad
Water Quality Division NEPA Coordinator
Wyoming Department of Environmental Quality

MAC/rm/16-0414