



Department of Environmental Quality

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

Dave Freudenthal, Governor

John Corra, Director



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gka 4/15/9

April 14, 2009

APR 14

Mr. Richard E. Blubaugh
Vice President – Environmental Health and Safety Resources
Powertech (USA) Inc.
5575 DTC Parkway, Ste. 140
Greenwood Village, CO 80111

RE: UIC Wells for Injection of Liquid Wastes from Out of State

Dear Mr. Blubaugh:

I have reviewed your letter of March 12, 2009 and have discussed the questions raised by your letter with John Corra who is Director of the Department. You summarized your questions on the last page of your letter as follows:

1. Will the State of Wyoming allow Powertech to be the permittee for Deselms #1-Class I well (or some other permitted Class I well), assuming it is mechanically and technically sound, for the disposal of Bevill Amendment liquid wastes from an NRC licensed facility located in neighboring South Dakota?

Answer: No.

2. Will the State of Wyoming consider for review an application from Powertech for a deep disposal well and pipeline right-of-way within 10 miles of the state line with South Dakota?

Answer: No.

I wish to clearly indicate that the negative responses to the above questions apply only to liquid waste being brought in from outside the State of Wyoming. Should you propose mining operations within the state, we will cooperate fully with you in the review of applications for UIC disposal wells.

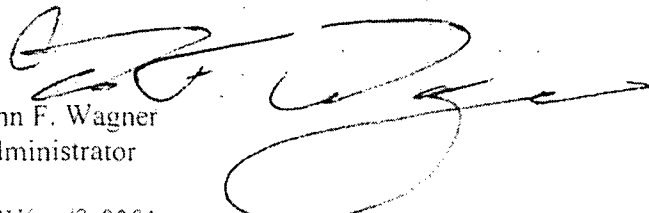
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Finally, in your first question you state that your waste is Bevill exempt. Be aware that is not necessarily the position of EPA, Region VIII and we believe it is the EPA that has the authority to make the decisions on Bevill Amendment questions.

Sincerely,



John F. Wagner
Administrator

JFW/rm/9-0301

cc: John Corra, DEQ Cheyenne
Kevin Frederick, DEQ/WQD Cheyenne
John Passchl, DEQ/WQD Cheyenne
Pete Vogel, DEQ/WQD Cheyenne
Don McKenzie, DEQ/LQD Cheyenne

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