

## Meeting Notes

**Agency:** State of Wyoming Department of Environmental Quality (DEQ)

**Location:** Cheyenne, WY

**Date:** January 12, 2009

**Attendees:**

Irene Yu, NRC  
Nancy Barker, VHB  
John Corra, Director, DEQ Administration Division  
Carl Anderson, Hazardous Waste Permitting and Corrective Action Program Manager, DEQ Solid & Hazardous Waste Division  
Lowell Spackman, District I Supervisor/Soil Scientist, DEQ Land Quality Division  
Darla Potter, NSR Program Supervisor, DEQ Air Quality Division  
Chad Schlichtemeier, NSR Program Supervisor, DEQ Air Quality Division  
Tom Schroeder, Program Principal, DEQ Industrial Siting Division  
Barb Sahl, DEQ Water Quality Division (Storm Water)  
Brian Lowell, DEQ Water Quality Division (WPDES)  
Andrew Keyfaurer, DEQ Air Quality Division  
Mark Conrad, NEPA Coordinator, DEQ Water Quality Division  
Paige Smith, NEPA Coordinator, DEQ Air Quality Division  
Don McKenzie, Administrator, DEQ Land Quality Division  
Kevin Frederick, Groundwater Section Manager, DEQ Water Quality Division  
Ed Heffern, Geologist, BLM

**Purpose:**

To better understand DEQ's process for permitting air quality, underground injection wells, storm water, and wastewater for all 3 sites; discuss any concerns or issues on proposed ISL facilities; talk about being a commenting vs cooperating agency for site- specific EAs/EISs; discuss planned projects in state to be used in cumulative impacts sections for all 3 sites

**Discussion:**

- Governor is very focused on keeping state agencies connected to federal agencies (e.g., MOU between DEQ and BLM clearly outlines both agencies roles)
- Director of DEQ encourages NRC to stay coordinated and keep DEQ in the loop on all key milestones and analysis of alternatives, will help when possible
- Lost Creek
  - Since site is all federal lands, it will require a lot of federal and state agency interaction
  - Reclamation of site will be a big issue
  - Bairoil – lost of wildlife concerns
  - May be close to sage grouse core areas
- GEIS – lots of inconsistencies (e.g., some areas of GEIS say 10% surface disturbance, other areas say 50%)
- ISL facilities don't have a good track record in the state, no water has been returned to baseline, excursions (PRI)
- DEQ wants an MOU with NRC

- Storm water – an erosion control plan is required
- Air quality
  - Nonattainment area in Sheridan, rest of state in attainment
  - Ozone is an issue in Sublette county
  - Ozone a concern with certain types of drill rigs
  - Dust a concern during construction of facilities
- Noise – no Wyoming requirements, probably goes to local level
- Industrial siting – permits facilities over \$179M not otherwise regulated by another agency
- Ground water
  - Provided explanation of classes of deep injection wells
    - Class I – industrial waste – hazardous/nonhazardous (typically how ISL waste has been handled), has to inject below deepest underground source of drinking water, hard to do in Powder River Basin because Madison Formation is used for drinking water and in some areas are shallow and some areas 14,000 feet deep
    - Class II – oil and gas
    - Class III – injection wells used in ISL mining, injects for recovery
    - Class IV – old hazardous waste disposal wells, since banned because injection into formations overlying deepest source of drinking water
    - Class V- everything else into underground sources of drinking water, aren't regulated to the same degree as the other disposal wells
  - WY may change ISL waste designation to Class V well provided certain conditions are met, this proposal is currently with the EPA for review
  - Construction of wells most important to prevent cross-contamination
  - Unconfined aquifer
    - Issue is that they can be more susceptible to spreading spills and not being able to keep them contained
    - DEQ unlikely to permit an unconfined aquifer
  - Restoration
    - DEQ observation is that no one has been able to fully restore a site
    - In WY, only 2 mine units (not sites) have been restored
  - Surface use agreements will be needed if other permitted wells are impacted
- LQD to coordinate comments from all parts of DEQ for their review of NRC's site-specific EAs
- Hazardous Waste - Pathfinder/Shirley Basin is only site in WY to accept solid waste (spent resin, empty cans)
- Moore Ranch – application does not look good from DEQ completeness review
- DEQ would like NRC to open an office in CO or WY to support ISL activities

**Questions:**

- Should NRC have quarterly calls with BLM and DEQ regarding current and future applications?

**Action Items:**

None