



Department of Environmental Quality

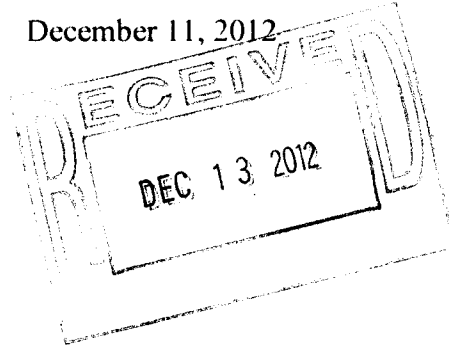
To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

December 11, 2012



Wendy Cheung
US EPA Region 8
Mailcode: 8P-W-GW
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Strata Energy, Inc., Ross Uranium In Situ Recovery (ISR) Project, Permit No. 802, Environmental Protection Agency (EPA) Interim Aquifer Exemption Decision

Dear Ms. Cheung,

As you may know, on November 16, 2012, the Wyoming Department of Environmental Quality (DEQ), Land Quality Division (LQD) approved the Strata Energy Ross ISR permit and reclassified the groundwater in accordance with applicable Wyoming rules and regulations.

In your September 19, 2012 letter to John Wagner, Administrator of WDEQ Water Quality Division (WQD), EPA stated it had no comments regarding the aquifer exemption boundary proposed for the Strata Ross ISR project. According to the letter, this was your interim response and you would provide a final response approving or denying the aquifer exemption after EPA Region 8 had the opportunity to review comments received during the public participation process. On October 2, 2012, DEQ/LQD forwarded all comments received during the public participation process to EPA. As you are aware, the Memorandum of Agreement (MOA) between the WQD and EPA Region 8 states that EPA's interim response will become final if not modified within twenty (20) days of receipt of all comments by EPA Region 8 (Section I.D.4). Because EPA has not provided further modification to its interim response within the specified timeframe, the DEQ considers this interim response to be final.

Further, DEQ/LQD notified EPA on October 26, 2012, that all comments had either been addressed or that their respective authors had waived their right to continued involvement in the public participation process. As part of this October 26, 2012 correspondence, LQD requested EPA send written confirmation of EPA's agreement that the interim response was now final. To date, DEQ has not received this.

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
--	---	---	---	--	--	---

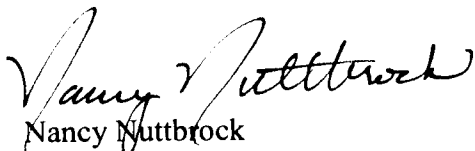


In addition to fully complying with the MOA, DEQ/LQD has met (and exceeded) the requirements of Chapter 11 NonCoal Insitu Mining. I understand from our November 20, 2012 phone conversation that the responses to the individual comments received during the public comment period were of specific interest to you. For this reason, DEQ/LQD has chosen to exceed its judgment of the administrative requirements contained within Chapter 11 by sending individuals responses, even to those authors who chose not to participate further in the process. Copies of these letters are attached for your convenience.

Because EPA's interim response is now final per the MOA, and as demonstrated by DEQ/LQD's signing the permit on November 16, 2012, DEQ/LQD hereby requests that EPA submit its written confirmation of such. The absence of such a written confirmation merits DEQ/LQD's continued determination that EPA's interim letter dated September 19, 2012 is its final approval.

If you have any questions concerning this matter, please contact me at 307-777-7046.

Sincerely,


Nancy Nuttbrock
Administrator, Land Quality Division

MR/NB/bb

CC w/o attachments:

Todd Parfitt, Director, DEQ
John Wagner, Administrator, DEQ WQD
Kevin Frederick, DEQ WQD
Don Fischer, DEQ WQD
Steve Pratt, EPA Region 8
Ben Schiffer, Western Water Consultants
Luke Esch, Wyoming Attorney General's Office
Mark Rogaczewski, Supervisor, LQD D3