{In Archive} Re: The Role of the NRC

Ben Knape to: Ray Leissner 06/30/2008 03:09 PM

From: "Ben Knape" <BKNAPE@tceq.state.tx.us>
To: Ray Leissner/R6/USEPA/US@EPA
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Ray: What I've been a little disturbed to find out from sitting on NRC's rule workgroup is that where SDWA/UIC requires protection of USDWs per 144.12, UMTRCA provides a basis for NRC's protection of ground water to assure that there is no fluid movement into any aquifer other than the mined aquifer. To me, that sounds potentially more stringent than 144.12. They're not about to just say that if you have an EPA approved state UIC program, they will just defer regulation to the UIC program.

Our licensing people who are more in the know about NRC stuff than I am say there would be the need for a state program to do a rule making to adopt a few basic definitions, performance standards, and restoration requirements that NRC uses , and then to go through a kind of program authorization/revision process with NRC. Wouldn't that also trigger a program revision with EPA? The whole concept appears to be cumbersome rather than labor saving. It looks like our UIC program would have two federal agencies with oversight responsibility. Perhaps the actual changes in our UIC rules would be similar to a state program choosing to be more stringent than EPA's regulations with respect to groundwater restoration standards.

What do you think?

-Ben

-Ben