UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CINCINNATI, OHIO 45268

August 20, 2018

MEMORANDUM

Subject: Contract EP-C-15-022 – WA 54-96, Authorization for Immediate Start Upon Work Assignment, July 1, 202019 (continuation of WA 43-96)

From: Bruce Suchomel, Work Assignment Contracting Officer's Representative (WACOR)

Thru: Nancy Parrotta, Contract Level Contracting Officer's Representative (CL-COR)

Thru: Angela Lower, Contracting Officer

To: WA File

Contract Clause EPAAR 1552.211-74, "Work Assignments", provides the contractor with information on the WA process and the content that will be provided in an awarded WA document issued by the CO under cost-reimbursement contracts. In December 2014, the clause was updated to state that the contractor is not authorized to start work unless the Contracting Officer approves the workplan or specifies otherwise.

In this instance, it is necessary for the CO to allow immediate start of work upon release of the work assignment, on July 1, 202019, or as soon thereafter as possible. The subject matter of WA 54-96 is the development of permit requirements for a second a response-to-comments document for the Region 8 Underground Injection Control (UIC) Program that must be completed in order for the Program to issue final permit decisions. The Region 8 UIC Program permitting actions are related to Class III draft permit for the in-situ recovery of uranium near the Black Hills in South Dakota. The Black Hills are of historic interest for many tribes. Theis UIC permitting actions haves resulted in close public scrutiny and a complicated tribal consultation process. Public notice of two sets of draft permits and related actions has generated , which resulted in a large number of public comments on the first Class III draft permit proposed actions and has prolonged the UIC permitting process for this UIC permit and related actions. As a result, theise permitting actions is are significantly contributing to thebe backlog of Region 8 UIC pending permitting actions.

The work completed under this WA will not only provide an important contribution to support the UIC program in the fulfillment of the Agency's goals of protecting Underground Sources of Drinking Water (USDWs). In addition, this work will also include the development of

~~background documentation~~ responses to comments that will assist the UIC program in demonstrating to the public and tribes how the ~~Class III~~ UIC draft permits ~~requirements~~ will contribute to the protection of USDWs. ~~The work also involves development of acceptance criteria for the review of information submitted by the permittee that will assist the UIC Program in determining whether the permittee is in compliance with the permit requirement and has met the goals for protection of USDWs.~~

As such, the work must begin immediately because failure to start work immediately would result in delays in fulfilling the UIC Program's Mission, as authorized and directed by the Safe Drinking Water Act, to ensure protection of Underground Sources of Drinking Water and the protection of public health. Additionally, delays in a start work under this WA would contribute to the Dewey-Burdock project permit delays, as a result of delays in EPA making timely permitting decisions and could jeopardize the viability of the aforementioned project (which has already invested millions of dollars in the site characterization and data collection efforts to produce the permit application documents). In addition the State of South Dakota, Department of Environmental and Natural Resources has placed on hold the public review process for associated state permits for the Site until the EPA has issued final permit decisions.