UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

JUN 12 2017

Ref: 8WP-SUI

Honorable Brandon Sazue, Chairman
Crow Creek Sioux Tribe
P.O. Box 50
Fort Thompson, South Dakota 57339-0050

Re: U.S. Environmental Protection Agency Region 8 Underground Injection Control (UIC) Program Invitation for Consultation on the Dewey-Burdock Uranium Recovery Site Near Edgemont, South Dakota

Dear Chairman Sazue:

The U.S. Environmental Protection Agency Region 8 Underground Injection Control Program is following up on the letter sent to you on November 25, 2015, to extend another invitation to consult with you, and any other representatives you would like to include, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

On March 6, 2017, the EPA issued two Draft Permits to Powertech (USA) Inc.: one Class III injection well area Permit for the ISR of uranium in Inyan Kara aquifers, and a second, deep Class V injection well area Permit for the disposal of treated ISR process waste water into the Minnelusa aquifer. The EPA also proposed an aquifer exemption record of decision to exempt uranium-ore-bearing portions of the Inyan Kara aquifers.

The EPA recently held public hearings to offer the opportunity for the public to present verbal comments on the UIC Draft Permits and proposed aquifer exemption decision. In the written comments received to date and at the public hearings, many members of the public urged the EPA to conduct tribal consultation. While beginning in May 2013, the EPA has provided several opportunities for tribal input, in light of the concern expressed by several tribal members, we are again reaching out to you to ask whether you are interested in consulting with the EPA on these actions.

Please have your staff contact UIC Unit Manager Douglas Minter at your earliest convenience if you would like to schedule a consultation meeting with us. Also, if the Tribe would like to include National Historic Preservation Act issues within the scope of this consultation, please send Mr. Minter the name and contact information of your designated point of contact for NHPA section 106 consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079; at (303) 312-6079; or at minter.douglas@epa.gov.

We will call your office within 14 days to discuss options for tribal consultation meetings. At that time, we will request that you provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process.

Confidentiality: We understand that the Crow Creek Sioux Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

Background Information on the Dewey-Burdock Site: For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5. The full administrative record for the EPA proposed actions is found on the EPA website at: https://www.epa.gov/uic/extension-public-comment-period-dewey-burdock-class-iii-and-class-v-injection-well-draft-area-0.

Sincerely,

for Darcy O'Connor
Assistant Regional Administrator
Office of Water Protection

Enclosures (6)

cc: Mr. Darrell Zephier, Tribal Historic Preservation Officer
Ms. Wanda Gourneau, Environmental Director

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