

## **Subpart W Stakeholders Conference Call July 3, 2014**

### **ATTENDEES**

**EPA:** Reid Rosnick, Tom Peake, Susan Stahle (OGC), Angelique Diaz (Region 8)

**Environmental Groups/Tribes:** Sarah Fields, Uranium Watch; Aaron Mintzes, Earthworks; Jennifer Thurston, INFORM; Susan Gorgon, Multicultural Alliance for a Safe Environment; Kathy Van Dam, Wasatch Coalition; Janet Johnson; Buffalo Bruce, NE

**Uranium Industry/Other:** Jim Cain, John Hamrick, Cotter; Jen Morrison, Energy Fuels; Jay Morris, UT Division of Air Quality

### **UPDATE**

Reid began the call with a welcome and by taking attendance. Reid had a couple of items to share.

Since our last call, the proposed rule was published in the Federal Register, May 2, 2014. The proposal stated that the comment period would be 90 days, and end on July 31, 2014. We received a number of requests from stakeholders to extend the comment period, anywhere from 60-120 days. We will be extending the comment period. Nothing is official yet, but we will announce it on the Subpart W website and it will also be published in the Federal Register. Public hearings have also been requested by stakeholders. We are still in the process of identifying times/dates/venues for hearings. Stakeholders have requested that hearings take place in numerous locations. We are attempting to balance venues with resources available. It's also worth noting that EPA accepts comments in most media, such as letters, emails, etc. No one method for submission of comments is "better" than another. All comments are included in the public docket. We will review and respond to all substantive comments we receive, whether they are vocal, written, or emailed.

Additionally, the Ute Mountain Ute tribe has requested consultation with EPA on the proposed rule, as well as several issues related to the White Mesa mill. Consultation is a formal, government to government process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes. We take the consultation process with our tribal partners very seriously. Our consultation is scheduled for July 10.

### **DISCUSSION**

Jennifer T. – The NMA presentation discussed opening a new subpart for the regulations at 40 CFR 192. How does this connect with Subpart W? Also, why were the monitoring requirements eliminated? Elimination of this requirement is a great concern, wishes EPA will reconsider.

Reid – The proposed new subpart in 40 CFR 192 will be for ground water issues at ISL facilities and is not really connected to Subpart W, a radon standard for operating facilities. As for

reconsideration of monitoring requirements, make sure you state that in formal comments submitted to the Agency.

Janet J – It is difficult to show proof that a double liner system will work, especially with the record of legacy impoundments.

Sarah F. – Requested additional information and attachments from a 2009 response from Denison Mines section 114 letter. Where is the response from May 2009 regarding the company's evaporation ponds? Where are the Section 114 letters to Sweetwater and Shootaring Canyon? A general comment is that I am disturbed by the quality of the Federal Register notice. EPA is attempting to regulate radon, not eliminate it. There is no mention of section 112(h) of the Clean Air Act Amendments. Why? OGC, can you answer that? You have no authority to replace an emission standard with a work practice standard without the approval of the Administrator.

Kathy Van D – I would like to see the calculations that show work practice standards are as good as an emissions standard. Exactly how much does it cost to run monitoring systems? Reid – That information is in the preamble and the Economic Impact Analysis. Any intention to make the standards applicable to ore piles, crushers, etc? Angelique D. - Not at this time, we regulate byproduct material in the impoundments.

Sarah F. – Disturbed that there are no emission requirements for cell 1 at White Mesa or at other evaporation ponds. Angelique D. – Flux testing is difficult on ponds, but with a liquid cover, radon emissions will be close to zero.

Aaron M. – Thanks for extending the comment period. What can you tell us about the 40 CFR 192 rule? Tom P. – The proposed rule is currently being reviewed by OMB. We expect it to be published in late summer/early fall. Aaron M. – I think the Subpart W comment period should be extended to conform to the comment period for 192. EPA should not have notices of proposed rulemakings that conflict with each other. Each rule could have implications for the regulation of air and water.

Jennifer T. – It is not easy to find information of the 40 CFR 192 proposal. I suggest that you delay the Subpart W rule until the 192 rule is proposed. (Sarah F. agreed). Jennifer also asked how the choice was made to use GACT standards rather than MACT standards. Reid explained that the GACT standard was outlined in the preamble. He also noted that the double liner system used for uranium recovery facilities are the same as those required for hazardous waste land disposal facilities regulated under RCRA.

Janet J. – As a resident of Grand Junction, CO I can tell you that the regulations have to be right the first time. In my area there are billions of dollars of cleanup of legacy sites.

**Next call: Thursday, October 2, 2014 at 11 AM Eastern Time.**

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