

**PUBLIC NOTICE OF INTENT TO ISSUE AN
UNDERGROUND INJECTION CONTROL (UIC) CLASS I PERMIT FOR
S.M.S. Briners**

Comment period through November 10, 2009.

PURPOSE OF PUBLIC NOTICE

The purpose of the public notice is to solicit public comments on the proposal by the United States Environmental Protection Agency Region IX (EPA) to issue a renewal UIC permit to continue injecting fluids underground through one (1) non-hazardous Class I injection well. The permit is for S.M.S. Briners, located at the following address:

S.M.S. Briners
17750 East Highway 4
Stockton, CA 95215

The draft renewal permit is proposing the injection of brine from the S.M.S. Briners and Kruger Foods, Inc. facilities. The well is constructed to inject wastewater approximately 3,300 feet below ground surface into the Starkey Sands formation injection zone. Based on our review of the well construction, operation standards, monitoring requirements, and the existing geologic setting, EPA believes the activities allowed under the draft permit are protective of Underground Sources of Drinking Water as required by the Safe Drinking Water Act.

EPA has made a preliminary determination to issue a Class I UIC renewal permit to S.M.S. Briners, pending this public notice. This action is being taken as provided by Part C of the Safe Drinking Water Act and pursuant to Title 40 of the Code of Federal Regulations (CFR) Parts 124, 144, 146, and 147.

PUBLIC COMMENTS

All non-proprietary data submitted by the applicant and the draft permit prepared by EPA are contained in the Administrative Record for this injection well. EPA's fact sheet and the draft permit are available for public inspection online at:

<http://www.epa.gov/region09/water/groundwater/uic-permits.html>

as well as at the locations listed below:

Cesar Chavez Central Library
605 N. El Dorado St.
Stockton, CA 95202-1907

U.S. Environmental Protection Agency, Region IX
Ground Water Office (WTR-9)
75 Hawthorne Street
San Francisco, CA 94105
Attention: Adam Freedman
Telephone: (415) 972-3845
freedman.adam@epa.gov

Comments are encouraged and will be accepted in writing (email is acceptable) through the end of the comment period on November 10, 2009 (40 CFR §124.13). A public hearing may be held only if there is a significant degree of public interest in the draft permit (40 CFR §§124.11 and 124.12). A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

FINAL PERMIT DECISION AND APPEALS PROCESS

After the close of the public comment period, EPA will issue a response to comments, a final permit decision, and will notify all commenters regarding this decision. The final decision shall be to either issue or deny the permit. The final decision shall become effective no sooner than thirty (30) days after the service of the notice of decision. Within thirty (30) days after the final permit decision has been issued, any person who filed comments on the draft permit, participated in any Public Hearing on this matter, or takes issue with any changes in the draft permit, may petition the Environmental Appeals Board to review any condition of the permit decision. Commenters are referred to 40 CFR Section 124.19 for procedural requirements of the appeal process. If no comments request a change in the draft permit, the permit shall become effective immediately upon issuance (40 CFR §124.15).