

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

ATTACHMENT HH

EPA notes from consultation meeting with
representatives from the Ponca Tribe of Nebraska

Administrative Record Document No. 920

Consultation Meeting with the Ponca Tribe of Nebraska
The EPA's Proposed Actions at the Dewey-Burdock Uranium Recovery Site near Edgemont, South Dakota
August 23, 2017 in Lincoln, Nebraska

Present at the Meeting:

Chairman Larry Wright Jr.	Darcy O'Connor, Assistance Regional Administrator,
Shannon Wright, THPO	Office of Water Protection
Julia Sage, Environmental Manager	Patrick Rogers, Tribal Policy Advisor
Georja Kriebs, Tribal Response Program	Valois Shea, UIC Program

Julia Sage:

Main concern: downstream impacts.

Other NE tribes should be involved who are downstream of this project because they could be impacted.

Other concerns: sacred sites, impacts to ceremonial/medicinal plants

How long is the response time for any leaking well?

Potential impacts to humans, aquifer-based water supplies, drinking water for Rapid City

Questions: What is the worth of uranium compares with water, animals, plants that have sustained us? How many human lives, wildlife, sacred sites is uranium worth?

Why so we place so much emphasis on dollars when our mission is to protect human health and the environment?

Georja Kriebs: Question about the aquifer exemption: Is the aquifer "lost" once an AE is issued?

Discussion on excursion monitoring

Biggest concern: they will not be able to keep contamination within the AE boundary.

Hunting grounds: where are they or may be in this area?

Chairman Wright:

Where is the site in relation to the Yellowstone caldron, which causes earthquakes felt throughout the west? Is the DB area seismically active? How likely are earthquakes in the area? How would that affect containment? How can we make sure contamination doesn't leave the AE area? How can we assure horizontal containment of those fluids? How do we mitigate contamination that leaves the AE area? Concerns about loss of control and safety issues.

The Tribe is currently involved in a lawsuit related to the Keystone Pipeline and potential leaks. The Tribe is opposed to the pipeline regardless of safety measures. Safety measures don't guarantee there won't be a leak. The Keystone Pipeline goes through the Ogallala aquifer. It will impact the surface and sacred sites. Emphasized the importance of water itself.

Same for Dewey-Burdock. Not in their backyard but they oppose it. Even the latest and greatest technology fails. Even if there are mitigation issues, the contamination has already occurred.

Crow Butte in NE. Crawford shows groundwater contamination. Where does that come into play with Dewey-Burdock?

The Great Plains Tribal Chairman's Association has been opposed to this project for a long time. If a site becomes contaminated and can longer be accessed, even if it is on private lands, for cultural, practical use and religious use. There may be an agreement between tribal members and the private land owner. If contamination is released, their agreements/rights in these areas are pointless.

The Ponca Tribe would stand together with other tribes who would opposed this project.

Shannon Wright (THPO):

Anytime there is drilling into the ground, there is the potential to disturb cultural artifacts that could be there. Uranium in the ground is contained, but once you drill into it and inject water you destabilize it. An on-the-ground survey is needed. The Tribe would like to sit down with the other tribes and put together a PA. Bring as many tribes together as possible to put together the PA. When tribal government changes, keep the communication going and bring new leadership up to speed. He imagines OST would have an interest and be opposed. The Ponca Tribe was not contacted by the NRC or invited to do a cultural survey. The EPA will need a programmatic agreement

Julia: Random Concerns:

Radium

The fact that we can issue an aquifer exemption option exists. How is that protecting groundwater? Even a “contained” aquifer as the potential to leak. Protective permit requirements won’t change that. How can you “control” the natural process of groundwater flow? No level of security that groundwater is being protected. Earthquakes diminish safeguards put in place. The Ponca Tribe objects to that. Will continue to ask about the level of safety. Everything on the list. Want impacts to be as close to zero as possible. The Ponca Tribe would like to see and review modeling work. Would want to provide input if possible.

We agreed we would **provide a copy of the NRC programmatic agreement to Shannon and Julia**. Required info on any gaps they may see in the document and/or if they would want additional survey work (based on his provided comments). We will also provide the cumulative impacts doc for review.

The Chairman appreciates our actual formal consultation and may request to meet with us again. Will provide us with written comments but we should expect they will be in opposition to the project.

We agreed we would continue our conversation through Julia and Valois.

Chairman Wright left at 3:15 m. We took a break, then Valois continued through the PowerPoint presentation on previous consultation topics with Julia and Georgia.

Also send the RCRA document we are proposing to use for determining background GW concentration.