

Additional Briefing by EPA Region 8

Attachment 5

Excerpts from Final Class III and V Area Permits



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
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UNDERGROUND INJECTION CONTROL
Final
CLASS III AREA PERMIT

Area Permit No. SD31231-00000

Class III Injection Well Area Permit
Dewey Burdock Uranium In-Situ Recovery Project
Custer and Fall River Counties, South Dakota

Issued To

Powertech (USA) Inc.
P.O. Box 448
Edgemont, South Dakota 57735

PART I. EFFECT OF PERMIT

Under the authority of the Safe Drinking Water Act and Underground Injection Control (UIC) Program regulations of the U. S. Environmental Protection Agency codified at Title 40 of the Code of Federal Regulations (40 CFR) parts 2, 124, 144, 146, and 147, and according to the terms of this Area Permit,

Powertech (USA) Inc.

P.O. Box 448

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is hereby referred to as the "Permittee."

Because this permit authorizes more than one injection well, it is an Area Permit and subject to the requirements found at 40 CFR § 144.33. The Permittee is allowed to engage in underground injection in accordance with the conditions of this Area Permit. The Permittee must not construct, operate, maintain, convert, plug, abandon or conduct any other activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or may otherwise adversely affect the health of persons. Any underground injection activity not authorized by this Permit, or by rule, is prohibited. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any enforcement action brought under the provisions of section 1431 of the Safe Drinking Water Act (SDWA) or any other law governing protection of public health or the environment, for any imminent and substantial endangerment to human health or the environment, nor does it serve as a shield to the Permittee's independent obligation to comply with all UIC regulations. Nothing in this Permit relieves the Permittee of any duties under applicable State or local laws or regulations.

Issuance of this Area Permit authorizes the construction and operation of the Class III uranium in-situ recovery (ISR) injection wells in the wellfields listed in Table 1 within the Permit Area described below according to the conditions set in this Area Permit.

A. Class III Permit Area Boundary

The Class III injection wells must be located within the Permit Area. As shown in Figure 1, the Class III Permit Area is located in Custer and Fall River Counties, South Dakota. The area included within the Class III Permit Boundary encompasses the portions of Sections 20, 21, 27, 28, 29, 30, 31, 32, 33, 34 and 35 of Township 6 South, Range 1 East in Custer County, South Dakota. The Permit Area also includes the portions of Sections 1, 2, 3, 4, 5, 10, 11, 12, 14 and 15 in Township 7 South, Range 1 East in Fall River County, South Dakota. Figure 2a shows the Dewey Area ore deposit and wellfield locations in Sections 29, 30, 31, 32 and 33 of Township 6 South, Range 1 East. Figure 2b shows the Burdock Area ore deposit and wellfield locations in Sections 34 and 35 of Township 6 South, Range 1 East and Sections 1, 2, 3, 10, 11, 12, 14 and 15 Township 7 South, Range 1 East.

B. Well Locations

This Area Permit authorizes the construction and operation of Class III injection wells in the 14 wellfields located within the Permit Area described above according to the conditions set in this Area Permit. The approximate locations of these fourteen wells fields are listed in Table 1.



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UNDERGROUND INJECTION CONTROL

FINAL

CLASS V AREA PERMIT

Date: November 24, 2020

Area Permit No. SD52173-00000

**Class V Deep Injection Well Area Permit
Dewey-Burdock Uranium In-Situ Recovery Project
Custer and Fall River Counties, South Dakota**

Issued To

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PART I. EFFECT OF PERMIT

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hereinafter referred to as the "Permittee," is authorized to construct and operate wells in accordance with the conditions of this Area Permit.

Because this permit authorizes more than one injection well, it is an Area Permit and subject to the requirements found at 40 CFR § 144.33. The Permittee is allowed to engage in underground injection in accordance with the conditions of this Area Permit. The Permittee must not construct, operate, maintain, convert, plug, abandon, or conduct any other activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or may otherwise adversely affect the health of persons. Any underground injection activity not authorized by this Permit or by rule is prohibited. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. Compliance with the terms of this Permit does not constitute a defense to any enforcement action brought under the provisions of section 1431 of the Safe Drinking Water Act (SDWA) or any other law governing protection of public health or the environment, for any imminent and substantial endangerment to human health or the environment, nor does it serve as a shield to the Permittee's independent obligation to comply with all UIC regulations. Nothing in this Permit relieves the Permittee of any duties under applicable State or local laws or regulations.

This Area Permit authorizes the construction and operation of up to four (4) Class V disposal wells injecting only into the Minnelusa Formation within the Permit Area described below according to the conditions set forth in the Area Permit. The construction of more than four (4) injection wells injecting into the Minnelusa Formation injection zone is a violation of this permit. The Permittee may request to construct more than four (4) injection wells through a major modification to this permit according to 40 CFR § 144.39 and § 124.5, which would invoke the public review process required under 40 CFR part 124.

A. Class V Permit Area Boundary

Figure 1 shows the Dewey-Burdock Project Boundary (shown as a thick red line) and the Class V Permit Area in Custer and Fall River Counties, South Dakota.

B. Well Location

Approximate location information for the proposed DW No. 1 Class V injection well is shown in Table 1. The anticipated depths of the injection zone are based on well logs provided in the Class V Permit Application. Actual injection zone depths will be determined by well logs performed on each injection well as described in Part II, Section C.