

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

**ATTACHMENT CC**

EPA Talking Points for Community Outreach Plan  
Discussion with the Oglala Sioux Tribe during the  
June 17, 2016 meeting

Administrative Record Document No. 860

## Proposal for the Oglala Sioux Tribe Community Outreach Plan

**Background:** During our April 28 meeting at Pine Ridge, Oglala Sioux Tribal Leaders requested that the EPA hold community outreach meetings and public hearings at two locations (east side and west side) on the Pine Ridge Reservation. At the June 17, 2016 meeting in Denver, Tribal representatives requested the EPA present the proposed outreach plan to the Land & Natural Resources Committee.

### **Purpose of Presentation:**

To present the proposed Community Outreach Plan to the Land and Natural Resources Committee and seek input and concurrence so the EPA can move forward with planning the community outreach effort.

### **Proposal:**

1. The EPA would like to hold the community outreach meetings after the draft permits are issued on the same day as the public hearings. The outreach meetings would take the form of availability sessions immediately before public hearings. The meetings and public hearings would be held at two locations on the Pine Ridge Reservation.

The advantages of holding the community outreach meetings after draft permit issuance include:

- a. A meeting before the draft permits are issued will lack substance. Once the draft permits have been issued, we will be able to speak freely about specific permit requirements.
  - b. A meeting separate from a public hearing before the draft permits are issued could be confusing. The Tribal community would then have to attend two different meetings and will only be able to present their comments as part of the official record during second meeting, which will be the public hearing.
  - c. We believe this approach is the best way to attain the goal of meaningful communication with the Tribal community.
  - d. While the issues are fresh in the Tribal Member's minds, they will be able to present their comments at the public hearing immediately following the availability session.
2. The availability session will be structured as information booths on a number of topics where EPA representatives will be available to provide information about each topic and answer questions. The proposed topics are listed in the attachment to these talking points. We would like input from Tribal Leaders on any additional topics that would be helpful to Tribal Community members.
  3. Immediately following the availability session, the public hearing would begin. The Tribal community would be able to provide their comments as part of the official record while the information is fresh in their minds.

**Goal:** The EPA would like this community outreach effort to be a partnership between the Tribal leaders and the EPA.

### **Next Steps**

1. Visit the locations where the availability sessions and public hearings will be held.
2. Discuss a plan for advertising the events.
3. Identify stakeholders we should meet with prior to the outreach meetings and public hearings.
4. Meet with the stakeholders.

## Proposed Availability Session Topics of Interest

1. Class III injection wells
  - a. Wellfield locations
  - b. Injection zone (geologic cross-section)
  - c. Monitoring wells
  - d. How monitoring works
  - e. ISR process
  - f. Excursion – description, how it is detected, how it is handled
  - g. Additional information Powertech needs to provide to be allowed to inject, even if permit is issued.
  
2. Deep injection wells
  - a. Well locations
  - b. Injection zone (geologic cross-section)
  - c. Injectate treatment
  - d. Monitoring
  - e. Additional information Powertech needs to provide to be allowed to inject, even if permit is issued.
  
3. Aquifer exemption
  - a. Location of proposed AE area
  - b. Water quality in proposed AE area
  - c. EPA's AE process
  - d. UIC requirements for protection of USDWs outside of AE area
  - e. Regulation of wellfield restoration – DENR & NRC processes
  
4. EPA Permit Application Review
  - a. Review of site geology and hydrology
  - b. Review of proposed well construction, operation, monitoring and closure plans.
  - c. USGS research on potential for contamination from ISR process
  - d. USGS conclusions on potential for contamination of USDWs after groundwater restoration has been completed
  
5. EPA's public participation process
  
6. EPA's Tribal Consultation Process
  - a. National Historic Preservation Act, Section 106
  - b. The EPA Tribal Consultation Policy
  
7. Treatment and storage ponds
  - a. Location and design
  - b. EPA pond design requirements
  - c. EPA Review process for pond design plans
  - d. Deep well injectate treatment process

8. Issues of concern brought up by Tribes during consultation process
  - a. Historic exploration drillholes
  - b. Injectate treatment and storage ponds
  - c. Seismicity
  - d. Contentions raised to the Atomic Safety and Licensing Board
  - e. Potential faults and fractures at the site that could impact control of lixiviant flow
  - f. The short horned lizard, which, although not federally listed, is on the list of rare animals tracked by the South Dakota Natural Heritage Program. The lizard also holds significance in Tribal culture. A short horned lizard was observed by Ben Rhodd, a contract archeologist for the Rose Bud Sioux Tribe, at the Dewey-Burdock site.
  - g. The abandoned uranium mines located at the site.
  - h. What will EPA do in response to violations of the CWA and SDWA.
  
9. EPA's assessment of the abandoned uranium mines located at the site.