

ID: 140558b087d627cc
From: Kevin Frederick <kevin.frederick@wyo.gov>
To: Don Fischer <don.fischer@wyo.gov>
CC:

I'd agree - consistency is good, but it looks to me like LQD's Ch 11 is more stringent than 40 CFR 146.4, but the reasoning seems inconsistent with what I understand the federal rule requires. LQD may have a problem.

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On Tue, Aug 6, 2013 at 3:10 PM, Don Fischer don.fischer@wyo.gov wrote:

Kevin,
LQD is looking for guidance from us. LQD Ch 11 (Non coal, In situ Uranium states that the aquifer cannot serve as a water supply of any type, not just domestic. LQD CH 18 (coal, therefore, UCG & Linc) states that applicable WQD rules apply. My personal preference is consistency, so my recommendation is that we apply the same approach to In situ uranium and underground coal gasification since both are Class V mineral commercial groundwaters. LQD is wanting us to make the call.

LQD Chapter 11, Section 10(b) An aquifer, or a portion thereof, which meets the criteria for an Underground Source of Water as defined in Section 1 of this Chapter may be designated as an "exempted aquifer":
(i) If it meets the following criteria: (A) It does not currently serve as a source of water for Class I, II, III, Special (A) or Class IVA uses as described in Chapter 8 of the Water Quality Rules and Regulations (as amended March 12, 1993), and
(B) It cannot now and will not in the future serve as a source of water because.....(standard language)

This issue was discussed during LQD rule making process in 2005. The following from the rule amendment discussion that LQD (Craig Hulst) sent to me. I assumed that you were in on these discussions.

The EPA and WQD classification systems differ in that "drinking water" under the

EPA classification is broadly defined to include waters with less than 10,000 mg/l of Total Dissolved Solids. The WQD classification, which is consistent with the EPA requirements for establishment of water quality standards by states (40 CFR 131.10),

is based first on use and then on concentrations of specific parameters and is protective of more specific uses, e.g., agricultural and livestock. To ensure that the State concerns are taken into account, the WQD classification has been used in

Section 10(b)(i). During the July 2003 LQD Advisory Board meeting, the Wyoming Mining Association had concerns about the WQD classifications that were included in Section 10(b)(i)(A). As discussed under the definition of "underground source of water" in

Chapter 11, Section 1(v), the LQD considers it necessary to include the WQD classification concerns.

Don

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On Tue, Aug 6, 2013 at 1:55 PM, Kevin Frederick kevin.frederick@wyo.gov wrote:

I think the AE only requires that there are no domestic water supply wells (ie the AE area is not currently used as a source of drinking water.....). I guess LQD should be able to apply whatever rule they feel is most appropriate, whether we agree or not.

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