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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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February 23, 2010

Mr. Richard E. Blubaugh
Vice President EH&S Resources
Powertech (USA) Inc.
5575 DTC Parkway, Suite 140
Greenwood Village, CO 80111

Re: Dewey-Burdock Project, Class V Well Rules

Dear Mr. Blubaugh:

This letter is in response to your January 4, 2010 letter concerning South Dakota's ARSD 74:55:02 Underground Injection Control Class V Rules regarding waste disposal well installation and operation.

- The Class V rules do not require state approval of a Class V well and do not require a surety arrangement.
- The Class V rules allow injection subject to SDCL 34A-2 governing the prevention of pollution of the waters of the state. This being the case, Powertech will need to ensure any Class V injection will not pollute the waters of the state. Powertech could show this through an EPA approved Class V permit.
- The Class V rules state Powertech will need to notify the department of the well within 30 days of well completion.
- Pursuant to South Dakota's In situ Leach Mining Rules, ARSD 74:29:11:03 (6), as part of its mine permit application, Powertech will need to provide information regarding the composition of all known and anticipated wastes and procedures for their disposal. This includes Class V injection.

DENR is coordinating with EPA and NRC where possible to streamline the permitting process, reduce duplication, and reach the same technical and scientific conclusions.

Sincerely,

Bill Markley, Ground Water Quality Program Administrator

cc: Valois Shea, US Environmental Protection Agency Region VIII
Ronald Burrows, US Nuclear Regulator Commission