

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 13 2009

REPLY TO THE ATTENTION OF MAILCODE :
WU-16J

VIA ELECTRONIC MAIL AND CERTIFIED MAIL 7001 0320 0006 0189 0962
RETURN RECEIPT REQUESTED

Jonathan C. Cherry, P.E.
General Manager
Kennecott Eagle Minerals Company
504 Spruce Street
Ishpeming, Michigan 49849

Re: Request for Inventory and Other Information Concerning the Proposed Kennecott Eagle Mine

Dear Mr. Cherry:

Our letters of March 31, 2006 and January 31, 2007, required that you submit inventory information for three specific components of the proposed Kennecott Eagle mine pursuant to Title 40 of the Code of Federal Regulations (40 CFR) Section 144.83, which requires the owner or operator of a Class V well to submit inventory information to the Director prior to constructing the well. (Copies of these letters are enclosed.) To date, we have received this information for two of the Class V wells that are part of the proposed mine: the large capacity septic system and the Treated Water Infiltration System. We still have not received any inventory information regarding the proposed mine backfill stage of the operation of the mine, which we are now requesting under 40 CFR 144.83 and Section 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. § 300j-4(a)).

The Underground Injection Control (UIC) program was established under the authority of Part C of the SDWA (42 U.S.C. 300f *et seq.*) with the objective of protecting the Nation's underground sources of drinking water (USDWs). Pursuant to the UIC program, established in accordance with Sections 1421 and 1422 of the SDWA, 42 U.S.C. Sections 300h and 300h-1, EPA promulgated regulations in 40 CFR Parts 124, 144, 146, 147, and 148, to prevent underground injection which endangers drinking water sources. Pursuant to 40 CFR § 144.11, any underground injection, except as authorized by rule or by permit issued under the UIC program, is prohibited. In addition, the construction of any well required to have a permit is prohibited until the permit has been issued.

We again request that you provide this inventory information to us. A copy of the inventory form is enclosed for your use. In addition to the inventory information, please respond to the list of

questions that we have enclosed with this letter. These questions concern water usage during operation of the mine and the mine backfill process. There is concern that the mine may qualify as a well under the Underground Injection Control regulations found at 40 CFR Parts 144 and 146. Therefore, we are requesting that you respond to our questions in order to assist us in determining whether there is any endangerment of an underground source of drinking water and whether a permit will be required for the mine backfill process. To do so, we need to understand the mine backfill stage of the project fully.

We require both the inventory information and responses to the attached questions by April 30, 2009. We look forward to discussing these and other issues with you at our upcoming March 19, 2009 meeting.

If you have any questions, please feel free to contact Ross Micham at (312) 886-4237 or micham.ross@epa.gov or Stephen Roy at (312) 886-6556 or roy.stephen@epa.gov.

Sincerely yours,



for
Rebecca L. Harvey, Chief
Underground Injection Control Branch

Enclosures

Technical Questions Regarding the Mine

Questions about water utilized during various portions of the mining process:

- What processes will utilize water underground?
- What is the source of the water for each of these processes?
- How will the water for each of these processes be brought underground?
- How much water is expected to be brought underground for each of these processes?
- How are each of these processes expected to affect the water?
- What is the fate of these wastewaters?

Questions regarding the mine backfill process:

- Describe the mine backfill processes proposed for the project.
- At what stage of the mining operation does the backfill process begin?
- What components (i.e., rock, water, fly ash, etc.) will make up the backfill?
- How will each of the various components be physically brought into the mine?

INVENTORY OF INJECTION WELLS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF GROUND WATER AND DRINKING WATER



(This information is collected under the authority of the Safe Drinking Water Act)

PAPERWORK REDUCTION ACT NOTICE

The public reporting burden for this collection of information is estimated to average about 0.5 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, 2136 U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

1. DATE PREPARED (Year, Month, Day)

2. FACILITY ID NUMBER

3. TRANSACTION TYPE (Please mark one of the following)

- Deletion
 Entry Change
 First Time Entry
 Replacement

4. FACILITY NAME AND LOCATION

A. NAME (last, first, and middle initial)

C. LATITUDE

E. TOWNSHIP/RANGE

B. STREET ADDRESS/ROUTE NUMBER

D. LONGITUDE

TOWNSHIP	RANGE	SECT	1/4 SECT

F. CITY/TOWN

G. STATE

H. ZIP CODE

I. NUMERIC COUNTY CODE

J. INDIAN LAND (mark "x")

6. LEGAL CONTACT:

A. TYPE (mark "x")

- Owner
 Operator

B. NAME (last, first, and middle initial)

C. PHONE (area code and number)

D. ORGANIZATION

E. STREET/P.O. BOX

I. OWNERSHIP (mark "x")

- PRIVATE
 PUBLIC
 STATE
 FEDERAL
 SPECIFY OTHER

6. WELL INFORMATION:

A. CLASS AND TYPE	B. NUMBER OF WELLS		C. TOTAL NUMBER OF WELLS	D. WELL OPERATION STATUS				
	COMM	NON-COMM		UC	AC	TA	PA	AN
			0					
			0					
			0					
			0					
			0					
			0					

COMMENTS (Optional):

KEY:

- DEG = Degree
- MIN = Minute
- SEC = Second
- SECT = Section
- 1/4 SECT = Quarter Section
- COMM = Commercial
- NON-COMM = Non-Commercial
- AC = Active
- UC = Under Construction
- TA = Temporarily Abandoned
- PA = Permanently Abandoned and Approved by State
- AN = Permanently Abandoned and not Approved by State

SECTION 1. DATE PREPARED: Enter date in order of year, month, and day.

SECTION 2. FACILITY ID NUMBER: In the first two spaces, insert the appropriate U.S. Postal Service State Code. In the third space, insert one of the following one letter alphabetic identifiers:

- D - DUNS Number.
- G - GSA Number, or
- S - State Facility Number.

In the remaining spaces, insert the appropriate nine digit DUNS, GSA, or State Facility Number. For example, A Federal facility (GSA - 123456789) located in Virginia would be entered as : VAG123456789.

SECTION 3. TRANSACTION TYPE: Place an "x" in the applicable box. See below for further instructions.

Deletion. Fill in the Facility ID Number.

First Time Entry. Fill in all the appropriate information.

Entry Change. Fill in the Facility ID Number and the information that has changed.

Replacement.

SECTION 4. FACILITY NAME AND LOCATION:

- A. **Name.** Fill in the facility's official or legal name.
- B. **Street Address.** Self Explanatory.
- C. **Latitude.** Enter the facility's latitude (all latitudes assume North except for American Samoa).
- D. **Longitude.** Enter the facility's longitude (all longitudes assume West except Guam).
- E. **Township/Range.** Fill in the complete township and range. The first 3 spaces are numerical and the fourth is a letter (N,S,E,W) specifying a compass direction. A township is North or South of the baseline, and a range is East or West of the principal meridian (e.g., 132N, 343W).
- F. **City/Town.** Self Explanatory.
- G. **State.** Insert the U.S. Postal Service State abbreviation.
- H. **Zip Code.** Insert the five digit zip code plus any extension.

SECTION 4. FACILITY NAME & LOCATION (CONT'D.):

- I. **Numeric County Code.** Insert the numeric county code from the Federal Information Processing Standards Publication (FIPS Pub 6-1) June 15, 1970. U.S. Department of Commerce, National Bureau of Standards. For Alaska, use the Census Division Code developed by the U.S. Census Bureau.
- J. **Indian Land.** Mark an "x" in the appropriate box (Yes or No) to indicate if the facility is located on Indian land.

SECTION 5. LEGAL CONTACT:

- A. **Type.** Mark an "x" in the appropriate box to indicate the type of legal contact (Owner or Operator). For wells operated by lease, the operator is the legal contact.
- B. **Name.** Self Explanatory.
- C. **Phone.** Self Explanatory.
- D. **Organization.** If the legal contact is an individual, give the name of the business organization to expedite mail distribution.
- E. **Street/P.O. Box.** Self Explanatory.
- F. **City/Town.** Self Explanatory.
- G. **State.** Insert the U.S. Postal Service State abbreviation.
- H. **Zip Code.** Insert the five digit zip code plus any extension.
- I. **Ownership.** Place an "x" in the appropriate box to indicate ownership status.

SECTION 6. WELL INFORMATION:

- A. **Class and Type.** Fill in the Class and Type of injection wells located at the listed facility. Use the most pertinent code (specified below) to accurately describe each type of injection well. For example, 2R for a Class II Enhanced Recovery Well, or 3M for a Class III Solution Mining Well, etc.
- B. **Number of Commercial and Non-Commercial Wells.** Enter the total number of commercial and non-commercial wells for each Class/Type, as applicable.
- C. **Total Number of Wells.** Enter the total number of injection wells for each specified Class/Type.
- D. **Well Operation Status.** Enter the number of wells for each Class/Type under each operation status (see key on other side).

CLASS I Industrial, Municipal, and Radioactive Waste Disposal Wells used to inject waste below the lowermost Underground Source of Drinking Water (USDW).

- TYPE 1I** Non-Hazardous Industrial Disposal Well.
- 1M** Non-Hazardous Municipal Disposal Well.
- 1H** Hazardous Waste Disposal Well injecting below the lowermost USDW.
- 1R** Radioactive Waste Disposal Well.
- 1X** Other Class I Wells.

CLASS II Oil and Gas Production and Storage Related Injection Wells.

- TYPE 2A** Annular Disposal Well.
- 2D** Produced Fluid Disposal Well.
- 2H** Hydrocarbon Storage Well.
- 2R** Enhanced Recovery Well.
- 2X** Other Class II Wells.

CLASS III Special Process Injection Wells.

- TYPE 3G** *In Situ* Gassification Well
- 3M** Solution Mining Well.

CLASS III (CONT'D.)

- TYPE 3S** Sulfur Mining Well by Frasch Process.
- 3T** Geothermal Well.
- 3U** Uranium Mining Well.
- 3X** Other Class III Wells.

CLASS IV Wells that inject hazardous waste into/above USDWs.

- TYPE 4H** Hazardous Facility Injection Well.
- 4R** Remediation Well at RCRA or CERCLA site.

CLASS V Any Underground Injection Well not included in Classes I through IV.

- TYPE 5A** Industrial Well.
- 5B** Beneficial Use Well.
- 5C** Fluid Return Well.
- 5D** Sewage Treatment Effluent Well.
- 5E** Cesspools (non-domestic).
- 5F** Septic Systems.
- 5G** Experimental Technology Well.
- 5H** Drainage Well.
- 5I** Mine Backfill Well.
- 5J** Waste Discharge Well.

PAPERWORK REDUCTION ACT The public reporting and record keeping burden for this collection of information is estimated to average 0.5 hours per response. Burden means the total time, effort, or financial resource expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to the collection of information; search data sources; complete and review the collection of information; and, transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW., Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed forms to this address.