



EPA Update: NESHAP Subpart W Activities

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Meeting with NMA – 29 October 2009

Overview

- Status of Subpart W Review Activities
- Status of Settlement Agreement
- Communications Plan
- Outreach



Status of Subpart W Review Activities

- Per Clean Air Act Amendments of 1990, EPA is obligated to review, and possibly revise Subpart W
- A workgroup has been established
 - Members from across the Agency
 - Represent ORIA, OGC, ORD, OSWER, OECA, OPEI, OW, Regions 6, 7, 8 and 10
 - Workplan, Communications Plan, Analytic Blueprint have been completed, basically, how are we going to approach the task



Status of Subpart W Review Activities

- We are conducting historical research on the risk assessment work originally done in support of the 1989 standard
- We have begun a survey of existing technologies
- Office of Enforcement and Compliance Assurance has sent information request letters to numerous uranium recovery facilities
- We have also requested that ISL facilities provide radon flux data from their evaporation ponds



Status of Subpart W Review Activities

- EPA thanks those participating facilities
- Data being received from ISL facilities
- Waiting for all results from the 90 day monitoring period, including background data
- Analyses will begin after all data received, including looking for deposition trends



Status of Subpart W Review Activities

- We are researching if Method 115 continues to be current, or whether other methods could be employed for monitoring and analysis of radon flux
- We are planning to work with all stakeholders in reviewing/revising the standards
- The Agency continues to believe that conventional tailings piles, certain evaporation ponds from ISL operations, and heap leach piles, are subject to the requirements of Subpart W
- We base our decision on a review of existing regulatory language



Status of Settlement Agreement

- Agreement tentatively reached with Colorado Citizens Against Toxic Waste (CCAT) and Wild Earth Guardians
- EPA failure to review/revise Subpart W within time limits specified in Clean Air Act Amendments
- Agreement reached, EPA requested comment (74 FR 45851), 4 September 2009
- Terms predominantly communication/outreach in nature
- Comments received, being reviewed by Office of General Council



Communications Plan

- EPA is committed to maintaining an open and transparent rulemaking process
- Objectives:
 - Inform stakeholders of potential changes in EPA's Subpart W requirements
 - Give stakeholders an opportunity to provide feedback
- Audiences:
 - Mining companies/NMA
 - Offices/Regions within EPA
 - States
 - Other Federal Agencies: NRC, DOE, BLM, others
 - Tribes



Communications Plan

- Strategies:
 - Develop clear, compelling messages and materials to explain the potential amendments to Subpart W
 - Educate stakeholders by using communications tools to provide easy-access to information
 - Work with stakeholder representatives and EPA regional staff to identify additional audiences and methods of dissemination
 - Communicate a timely and consistent message to stakeholders (Industry, Public, Tribes, States, other government agencies)



Outreach

- Holding stakeholder meetings to inform and receive input
 - Canon City, CO – June 2009
 - Denver, CO – July, 2009
 - Rapid City, SD – October 2009
 - Washington, DC – October 2009
 - Gallup, NM – November 2009
 - Blanding, UT – Spring 2010
- Establishing a dedicated web site to act as an information outlet
- National webinar planned for early 2010
- Establishing quarterly conference calls to answer stakeholder questions



Thank you for your attention

