



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Ty L. Howard
Director

August 21, 2020

David Frydenlund
Senior Vice President and General Counsel
Energy Fuels Resources (USA) Inc.
225 Union Blvd., Suite 600
Lakewood, CO 80228

RE: Amendment #10 of 11e.(2) By Product License No. UT 1900479
Groundwater Quality Discharge Permit No. UGW370004 Modification
Energy Fuels Resources (USA) Inc.
White Mesa Uranium Mill San Juan County, Utah

Dear Mr. Frydenlund:

In the matter referenced in the subject line, the Division of Waste Management and Radiation Control (“Division”) has received comments from a variety of persons during the public comment period. These comments are available on the Division’s website. Some of these comments are especially detailed and several commenting parties have submitted supplemental information with their comments. This notice relates specifically to the comments submitted by the parties listed, submitted by the Ute Mountain Ute Tribe, the Grand Canyon Trust, Uranium Watch, Friends of Cedar Mesa, and Mark Kerr (“Comments”).

While the public comment period for this matter is now closed, the procedural provisions governing the permit review process set forth in the Utah Code anticipate that the Utah Department of Environmental Quality division directors may solicit supplemental information in response to public comments. *See* Utah Code Section 19-1-301.5(9)(b)(vii). The statute does not afford the right to any person to unilaterally supplement the record, only to do so in response to a request made by a division director. If the director then designates such requested information as the basis for the decision on any given permit order, it will become part of the official administrative record. *Id.*

(Over)

To assist the Division in its review of the Comments, and to help create a more balanced administrative record, the Director has decided to solicit the submission of reply comments from Energy Fuels Resources. More specifically, pursuant to this letter, the Director requests reply comments addressing the following Comments:

Ute- Mountain Ute Tribe:

Comment #s: 4, 5, 6, 7, 9.h, 9.j., 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 24 a. – c., 25, 27, 28 a. – e., 29, 30, 31, 32, & 33

Uranium Watch:

Comment #s: 1.2, 1.5, Section 2, Section 3.4

Grand Canyon Trust, et. al.:

Comment #s: 2, IIA, III, VI,

Bike Packing Roots:

Comments: All

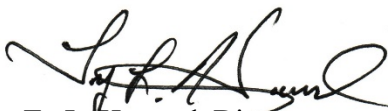
Navajo Utah Commission:

Comments: All

The Director may designate all or any portion of reply comments as part of the administrative record in this matter. Reply comments should be submitted no later than **September 25, 2020**. This schedule is necessary in order to meet the Division's commitment to render a final decision in this matter by the end of the year. The Division also believes that reply comments will help others who may be asked to review the administrative record and the Division's permitting orders. Thus, this extended review process should serve the interests of transparency and efficiency on all levels.

If you have any questions, please contact Bret Randall at (801) 536-0284.

Sincerely,



Ty L. Howard, Director
Division of Waste Management and Radiation Control

TLH/RMJ/as

Enclosures: Ute Mountain Ute Tribe's Comments for Amendment #10
Grand Canyon Trust's Comments for Amendment #10
Uranium Watch's Comments for Amendment #10
Bike Packing Roots' Comments for Amendment #10
Navajo Utah Commission's Resolution