



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

Mr. William Gahan
President – Midwest Division
Martin Marietta-Ames Mines
831 East Riverside Road
Ames, Iowa 50010

Dear Mr. Gahan:

We have reviewed the information that you have provided regarding Martin Marietta – Ames Mine’s use of a stormwater well used to emplace stormwater collected on-site into the subsurface to assist with stormwater management by allowing for the settling of suspended solids directly in the mine prior to discharge to surface waters under a National Pollutant Discharge Elimination System permit at the Martin Marietta – Ames Mine at 831 East Riverside Road, Ames, IA 50010. The emplacement of this material into the subsurface is regulated by the Underground Injection Control Program as a Class V stormwater injection well. Injection wells in this classification are allowed to operate either as rule authorized, or under conditions of a permit. The decision to permit these operations is based on the following criteria: whether the injectate could cause a violation of the Primary Drinking Water Regulations under 40 CFR § 141 or otherwise adversely affect the health of humans; the duration of the project; frequency of injection; and the volume of fluids to be injected. To ensure the protection of underground sources of drinking water, the U.S. Environmental Protection Agency, Region 7 requires authorization to be obtained from the EPA for all injection wells by the authorities granted the Administrator under 40 CFR § 144.25(a)(3).

Based on the information that has been provided, the use of this well to inject/emplace stormwater into mined out portions of the underground mine to allow for the settling of suspended solids prior to discharge to surface waters under a NPDES permit should not result in an adverse impact to any underground sources of drinking water or otherwise adversely affect the health of humans. Therefore, the EPA has determined that the injection of stormwater at the site will be allowed to operate as rule authorized under 40 CFR § 144.24 without the need for permitting. The stormwater wells will be covered under an EPA UIC facility ID number of IAS169020001. However, the following conditions must be met in order for rule authorization of the mine backfill operations to remain in place:

- Only stormwater generated during rain events at Martin Marietta – Ames Mine is approved to be injected.



- Martin Marietta – Ames Mine should take all necessary steps to ensure any surface spills which may contribute to contamination of the subsurface shall be remediated and/or prevented from entering the stormwater well.
- If surfacing occurs during the emplacement of backfill materials, injection into the well is to be halted and adjustments made to prevent additional surfacing from occurring. Any materials which have surfaced will need to be contained and not allowed to migrate off-site.
- While the EPA does not anticipate an impact from the stormwater well to any underground source of drinking water or an adverse effect to the health of humans consuming groundwater produced at or in proximity to the backfill operations, there might be some concerns from adjacent property owners that this has been occurring. Therefore, the EPA is requiring that Martin Marietta – Ames Mine monitor injected materials on a bi-annual basis to ensure no contaminants of concern are introduced into the subsurface when there is flow down the stormwater well. A representative sample from the stormwater well should be analyzed for: Total Extractable Hydrocarbons, TEH as gasoline, TEH as #2 diesel fuel and TEH as waste oil. Sampling procedures used during prior sampling events should be followed to avoid cross contamination of samples. These results should be submitted to the EPA with the required annual report described below. Future sampling results may be adjusted at a later date based on the results of this testing.

By the authorities granted under 40 CFR § 144.27, we are also requesting an annual report summarizing the operations which includes: the results of all testing performed on the stormwater entering the well and a summary of any spills and Martin Marietta – Ames Mine’s response. This report shall be submitted to the Director no later than January 31 of each year at the following address:

U.S. Environmental Protection Agency - Region 7
Attention: Iowa UIC Program Director
Water Division
Groundwater and Drinking Water Branch
11201 Renner Boulevard
Lenexa, Kansas 66219

All correspondence should reference the UIC facility ID number, site name, address, and the Iowa Department of Natural Resources registration number (if applicable).

The authorization by rule for these operations automatically terminates for any failure to comply with the above requirements or if the Agency learns of or suspects that the mine backfill operations have adversely impacted an underground source of drinking water or otherwise adversely affected the health of humans.

Though the EPA has determined that this activity will not require an EPA issued UIC permit, this does not preclude the need to obtain any additional authorizations required by the State of Iowa. Therefore, the injection wells at the facility **MAY NOT** go into operation until you have received all necessary approvals.

In closing, I wanted to remind you that any injection of materials into the subsurface in Iowa that is done without prior approval from the EPA is considered to be an unauthorized injection and is subject to up to \$10,000 per day per violation in penalties. While the EPA is not pursuing a formal enforcement action at

this time, please note that the Agency reserves its authorities to pursue enforcement for this or future violations. Please note that the EPA needs to be made aware of any additional mine backfill projects or other projects which Martin Marietta – Ames Mine is either currently or will be conducting in Iowa which involve the use of injection wells at least 30 days before commencing operation so that a determination can be made if permitting is necessary. Note that the emplacement of mine backfill materials by trucking them into the mine workings would not be considered injection and therefore would not be covered by the UIC program but may still require approval from the IDNR.

Please feel free to contact Kurt Hildebrandt (913-551-7413) or Ben Meissner (913-551-7992), of my UIC staff, if you should have any questions on this decision and its requirements or any other UIC related issues.

Sincerely,

Mary Tietjen Mindrup
Chief
Ground Water and Drinking Water Branch

cc: Chad Stobbe, IDNR