

534 Delaware Ave., Suite 302
Buffalo, NY 14202
December 13, 2019

Karyn Hanson
NYSDEC Headquarters
625 Broadway
Albany, NY 12233
DEPPermittting@dec.ny.gov

Re: Water withdrawal permit to U.S. Dept. of Energy (DOE) and associated Response to
Comments, application ID 9-0422-00005/00112

Dear Ms. Hanson:

A Response to Comments only works if comments are responded to.

DEC has neither acknowledged nor responded to my substantive comments in numbered paragraph 3, including subparagraphs 3(a), 3(b), 3(c), 3(d), and 3(e), which fill about three pages (pp. 2-5) of my September 23, 2019 comment letter. DEC should withhold or withdraw the DOE permit until such time as these substantive comments are addressed and responded to.

The Response to Comments has trivialized my aforementioned three pages of substantive comments by reducing them to a single sentence and ellipsis (“The aquifer system tapped by the two groundwater wells remains poorly understood; it needs better characterization in order to protect local groundwater resources and to assess the effects of the proposed withdrawal rate on adjacent areas...”). This single quoted sentence misses the clearly stated point of my paragraph 3, namely, that the supporting documentation for DOE’s permit application does not provide a good assessment of the hydrology of the aquifer system tapped by the two groundwater wells; it relies on unsupported assumptions that are contradicted by other site-specific work, and thus does not provide a defensible hydrologic assessment.

DEC’s Response 21, partly relying on supporting documentation submitted with the permit application, and partly claiming that “the hydrological assessment data requested herein is beyond the scope of information required for NYSDEC to issue a water withdrawal permit,” provides no meaningful response to my three aforementioned pages of substantive comments. According to my comments, the supporting documentation for the permit application relied on unsupported assumptions that are contradicted by other site-specific work – but the Response to Comments provides no acknowledgment, rebuttal, or other response. This matters because the need “to protect local groundwater resources” (a goal which I think we can agree on!) cannot be effectively addressed without some idea of what and where those groundwater resources are. Beyond knowing that they’re localized at the two well locations, the resources remain unknown.

The whole point of my comment letter(s) is that neither DEC nor DOE has any idea what and where these groundwater resources are. *If true*, DEC cannot reasonably say that a basic understanding of the aquifer system (what and where) “is beyond the scope of information required for NYSDEC to issue a water withdrawal permit.” *If not true, then show me*, based on reasonably sufficient evidence.

In the meantime, DEC should withhold or withdraw the permit until my substantive comments are addressed and responded to.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rayd Vaughan", with a long horizontal flourish extending to the right.

Raymond C. Vaughan, Ph.D., P.G.
Professional Geologist/Environmental Scientist

cc: Bryan Bower, U.S. Dept. of Energy
Paul Bembia, NYSERDA
Amy Snyder, U.S. NRC
West Valley Citizen Task Force