

Sunset Review Comments Regarding TCEQ

Uranium Mining Issues:

1. It is our understanding that TCEQ uranium mining permits **require that water quality be restored to pre-mining conditions**. However, many technical experts and uranium miners agree that this is not possible. They say once the mining field is disturbed by the injection of oxygen which causes the precipitation of uranium and other toxic chemicals, small amounts of oxygen remain in the aquifer sediment layers and cannot be removed by the restoration process. This renders the mining permit standard of returning the water to its original quality unachievable. The obvious question is...why issue a uranium mining permit if technical experts and miners themselves agree that pre-mining water quality standards can not be achieved?
2. After uranium mining has been terminated and billions of gallons of water spent on restoration, water quality cannot be restored to its pre-mining conditions and the original restoration table values cannot be met. **Nearly 100% of uranium miners have had to ask TCEQ for restoration amendments** to their restoration tables at least once and in some cases, several times. It seems TCEQ has granted all requests.

Restoration Issues:

Uranium Resources, Inc. (URI) was granted a mining permit in Kleberg County in 1988. The TCEQ mining permit plan contained a five year mine plan that included initial mining, restoration, stabilization and surface reclamation. **During the last 22 years URI has mined in three separate Production Authorization Areas (PAA) but they have failed to complete restoration in any of the three areas and they have yet to establish stabilization and surface reclamation in any of the three areas.** According to URI's quarterly reports they have 19 well fields to restore in the three PAA's and as of the end of the Second Quarter of 2010, eight well fields have been restored, four are in progress and restoration activities are yet to begin in seven well fields. They project it will take until September of 2013 to conclude the water restoration, stabilization and surface reclamation of all areas.

TCEQ is suppose to monitor and enforce URI's permit requirements and regulations but it is apparent after 22 years they have not done their job.

Contested Case Hearing:

A Contested Case Hearing was granted to STOP (South Texas Opposes Pollution) by TCEQ and conducted from August 1-5, 2005. STOP presented numerous issues for consideration to TCEQ's assigned State Office of Administrative Hearings (SOAH) judge. The judge accepted two of STOP's issues, i.e., installation of more monitoring wells to detect excursions and to restore water quality in Production Authorization Area (PAA) One before proceeding to mine in Area Three. TCEQ Commissioners met in February 2006 to consider the decisions of the SOAH Administrative Judge. After some brief discussions with the TCEQ executives, the **TCEQ Commissioners over-ruled the Administrative Judge on both findings.** This seemed to indicate that citizen involvement in Public Hearings as outlined by TCEQ is meaningless.

Conclusion:

TCEQ states that it wants to utilize available energy resources (uranium) to serve the good of society but we insist that this should not be done at the expense of permanently destroying vast portions of our drinking water aquifer. URI has not lived up to its obligation to restore our aquifer after 22 years of operation nor has TCEQ lived up to its obligations as the compliance and enforcement officer. We can't afford to wait for another 22 years.

Respectfully Submitted by South Texas Opposes Pollution (STOP)

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