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February 9, 2009

Office of the Chief Clerk
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TCEQ
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Austin, TX 78711-30867

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 11 PM 3:05
CHIEF CLERKS OFFICE

Re: Docket No. 2008-1888-UIC
Uranium Energy Corp. Permit UR03075

Dear Ms. Castañuela and TCEQ Commissioners,

Please find enclosed my reply to the Response to Requests for Contested Case Hearing from OPIC, the Executive Director of TCEQ, and UEC.

As requested in your January 16, 2009 letter, you will find the original and 7 copies. A copy has also been sent to the Executive Director, the Public Interest Council, the Director of the Office of Public Assistance, and the Applicant using the addresses provided in you letter. Copies have also been mailed to Representative Yvonne Gonzales Tourelles and Senator Glenn Hegar.

Thank you for your consideration on this important issue.

Carol Warren, DVM

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RE: Docket No. 2008-1888-UIC
Uranium Energy Corp. Permit UR03075

Dear TCEQ Commissioners:

Thank you for granting us this opportunity to express our concerns regarding UEC and Underground Injection Permit #UR03075. The following are just a few of the concerns I have about uranium mining and the responses given by UEC, the Executive Director and the Office of Public Council. You will recognize the first four bulleted paragraphs as the questions I have raised in the past. The last page discusses some of the issues I found particularly disturbing in the Executive Director's and UEC's responses. I would like to express thanks to OPIC, as they seemed to have a better grasp of our concerns and addressed them in a common sense manner.

- **Damages by in situ recovery of uranium to local community.**

ISR occurs within the aquifer that provides drinking water to all of Goliad's rural residents. ISR's chemical reaction not only frees uranium but also frees up arsenic, molybdenum, selenium, radon, radium 226 and other toxic elements and compounds. These toxic by-products are then injected back into the aquifer. What are you going to do to insure these are not leaking to other water sands and down dip? Who will be monitoring this? How will it be monitored? What can be done to clean up the aquifer? What regulations will be in place to protect us? Who will form these regulations? Who will enforce these regulations? Are there going to be severe penalties for non-compliance?

In the Executive Director's response, most of these questions were inadequately answered, specifically in Attachment A, TCEQ Area Permit No. UR03075. I am confident in the current standards and laws cited. Allowing the permittee to monitor

itself is at best risky, and allows for cover-ups, dishonesty, slow reporting of problems, and tampering of data. There are no significant penalties to discourage illegal or unethical practices by UEC or any other uranium mining company. The Executive Director also seems to believe this to be an exempted aquifer based on UEC's data. Other sources have reasonable evidence to dispute this.

- **Wasted water.**

ISR wastes precious water from our aquifer. How many millions of gallons of water are wasted and contaminated each year? What can be done to decrease this loss of water in water strapped south Texas?

Not addressed at all by UEC or the Executive Director but recognized by the Office of Public Interest Council. Hopefully these questions can be answered by SOAH.

- **Uranium mining has an atrocious environmental history.**

Historically , the mining industry has failed to restore and decontaminate previous and current sites. Surface spill and aquifer contamination are a common occurrence in this industry. Traditionally the mining companies have just abandoned their sites and left it to the taxpayers to pay for clean-up. How are you going to monitor spills? How are these contaminations going to be cleaned up? Who is responsible for damages to sites not being mined? How can you enforce the regulations and make companies comply?

Again these questions were inadequately answered by UEC and by the Executive Director. Responsibility for surface contamination and surface water contamination was pawned off to other governmental agencies. The Executive Director did acknowledge aquifer contamination in the Technical Summary, Section K, which appears to state that once declared an exempted aquifer, it is by definition, accepted that the aquifer will never be restored to render water which will be fit for human consumption. I am not a lawyer, but to me this seems to state that there will never be any significant clean-up. This is completely unacceptable!!!!

- **Failure of TCEQ and TRRC to protect the environment and citizens of Texas.**

These agencies are charged with the responsibility of protecting us and their history is far from that in regard to uranium mining. Again, who will write and enforce standards to protect us? Who will monitor these agencies? Can we have an alternative means to protect ourselves? Can we form oversight committees to monitor and enforce activity from these agencies?

The Executive Director's Attachment A gives me no assurance at all. The existing laws have no means of significant enforcement. I would also like for any new regulations to be enforceable for this permit.

Response to the Executive Director and UEC Response to Requests for Contested Case Hearing

The systematic exclusion of citizens requesting a contested case hearing based upon your legal definition of an affected person does not seem appropriate. It seems that any person who draws water from the Pliocene Goliad Formation is an affected person. Any interest common to the general public should also qualify as reason to be heard for a contested case hearing. We are common people, not lawyers, so if someone is concerned enough to write to you and say "I have a concern" they should not be discounted just because they did not specifically request a contested case hearing, or because some organization does not have an "affected person" as a member.

It seems that you have avoided many of the important questions and concerns of citizens by deferring them to yet more governmental agencies such as SOAH and the Railroad Commission. Nobody seems to want to take the responsibility of looking at the complete picture of problems caused by uranium mining. It would be wonderful if SOAH would grant a hearing and address our questions, many of them stated by OPIC. The Executive Director's issues that should be referred to SOAH are also good issues and deserve fair consideration. UEC's request to the Commissioners to reject the issues outlined on p18 of 20 of the Applicant's Response to Requests for Hearing are questions I feel SOAH should address, as they are all relevant. I am confident that once the Commissioners have looked at all of the evidence concerning our aquifer, there is no way they could declare it an exempted aquifer and allow in situ uranium mining to occur.

Please allow me to briefly express my opinion of the commotion surrounding the permit request by UEC. It may be legal, but that does not make it right. There is no way our aquifer and environment can be protected and safe if mining is permitted. Just look at other areas in the country and world where this mining has occurred. I know UEC has legally filed their permits. The job of TCEQ is to protect our environment. As of now, the laws are inadequate. Please do not grant this permit until there are better laws to protect us.

Thank you for your consideration,

David Warren

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