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4-23-2016

State Office Office of Administrative Hearings
Rebecca S. Smith
Administrative Law Judge
300 W. 15th St.
502 Austin, Tx. 78701

RE: SOAH Docket NO. 582-15-2214;
TCEQ Docket No 2015-0068-IWD ;
Re: Application by DRCP for Amendment
and Renewal of TPDES Permit
NO. WQ000351100

For: Response to File with Chief Clerk of TCEQ

THE FOLLOWING ARE OUR ARGUMENTS IN REFERENCE TO THE
GRANTING DRCP FOR AMENDMENT AND RENEWAL OF
TPDES PERMIT NO.WQ000351100

1.We are against the fact that USEPA issued a letter stating it had no objection to the draft permitting eventhough the whole Adminstrative Process has not completed all of its course/process and was premature at the time (Letter dtd 1-30-15). As in the past with the diffrent state agencies that DRCP documents for permit have gone through it can not help but give us an aspect that there is always an urgency to some how fast tract their documents.

In light of the happenings over years with the citizens of Flint, Michigan trying to communicate to its State and Federal Agencies of their concerns of the contents of their community water, we would not like to see this occuring with our community. Thus we are making know to the respective permitting and/or monitoring agencies State and/or Federal that in permitting all aspects on how this mine may have an adverse affect will be made perfectly clear and evident to all of the land holders and the rest of the community that all precautions are taken in not affecting not only the vicinity landholders but the entire community in that our water supply and also our air will not be affected.

2.*In communicating to you our concerns of DRCP the cheif concers pertain to the use of our water facilities down from the point that the Elm Creek water empties into the Rio Grande River. In light of the fact that the river is our cheif source of water for all our community needs drinking, bathing and all other water necessities.*

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In addition it is one of the very few recreational facility areas that is available in this community for swimming and fishing; we do not want to see it contaminated by any kind of chemical derivatives and/or other wise such as spills, day to day operations, floods or poor conceived water ways or run off areas either nature made or man made.

In having mentioned the above we are particularly concerned of the following:

A. Concern over the areas that mine water may traverse through, be it natural or man made and concern over unspecified or delineated areas that these ditches are located in or may be located. As land owners, we want to know how these discharge routes will affect us in relation to our properties. Proper descriptions as to these routes are necessary and residents in the area and the community as a whole need to be appraised both in English and in Spanish written and oral via Newspapers, TV and Radio. We have in the area Spanish speaking only members in the community that need to be informed.

B. Aluminum- We want to make reference to the "EDF's expert witness Lial Tischler PHD testimony in reference to levels of aluminum present in the ground water of the Mine site". We feel his comments must be taken seriously and appropriately considered. Page 29 of the re. SOAH Docket # & TEC Docket # identified at the top on RE: Proposal for Decision of this document. Re. is also made to Dr. Tischler's data from analyzes and sampling discharges from 2000 and continuing to the second quarter of 2015 on "Outfalls 022 and ,001003, 004, 006-008 and 014-020 would not comply with the acute aquatic life protection water quality chapter 307". "He also testified that the median concentration of aluminum in this well is 14mg/L, which is significantly higher than the acute criterion in the surface water quality standard of 0.991mg/L. He also testified that the maximum aluminum concentration from this well is 95.4mg/L" Page 30 re: above dockets.

C. Boron- As with our concerns on aluminum per above, we have concerns over Boron as Per page 34 # 2 re: dockets earlier cited. "DRCP has already disclosed potentially high levels of boron on its application by noting that it was seeking to add Outfall 102, which would discharge "excess mine pit water, mine pit water high in boron and storm water runoff. Again we do not want our water contaminated which would further contaminate the water for agriculture, livestock and/or human consumption.

Again, we ask that the responsible federal and state commissions responsible for our environmental quality take the necessary time in making a decisions that we can live with and not have to regret in years to come.

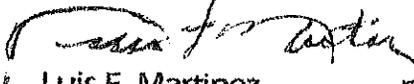
In light of all the hazards involved with the permitting of this mine and via all the different agencies that this mine has gone through we can not help but feel that as land owners and community members we still do not feel safe having this mine. We feel that the

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well being of a community is worth more than any Corporate gains it may generate for a company(s).

Again in light of the happenings in Flint, Michigan where ill decisions or lack of decisions were made we must all be very concern in any and all decisions made to continue forward on this permit for amendment and renewal of permit No. W0003511000.

Thank you,



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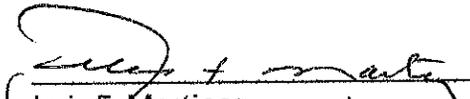
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