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May 27, 2015

VIA EMAIL: a-and-r-docket@epa.gov

Air and Radiation Docket
Environmental Protection Agency
Mailcode:2822T
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Docket ID No. EPA-HQ-OAR-2012-0788
Health and Environmental Protection Standards for Uranium and Thorium Mill
Tailings

To Whom It May Concern:

I am providing written comments on behalf of the Owner/Operator members of the Uranium Committee of the Texas Mining and Reclamation Association ("TMRA-UC Owners/Operators). The TMRA-UC Owner/Operators do not think the proposed EPA rule language and new subpart to 40 CFR Part 192 are necessary due to existing regulatory oversight by the State of Texas. Further, the industry believes that because these proposed regulations were developed without input from stakeholders in Texas, significant historical data accumulated over the last 40 years was not incorporated into the proposed new rules, and the lack of such data has created a rule package that is unguided and unrealistic in the goals it wishes to achieve.

The uranium mining industry believes it is important for the EPA to note the substantial regulatory oversight of the industry's activities by the State of Texas. Specifically, the Texas Commission on Environmental Quality ("TCEQ") and the Railroad Commission of Texas ("RCT") provide extensive regulation of the industry's daily in-situ recovery ("ISR") operations, including substantial controls related to protection of groundwater and restoration of groundwater quality.

In addition, Texas statutes and agency rules regulating ISR operations are have recently been updated and modernized. Specifically, recent legislation and state agency rulemakings in Texas have revamped the laws and regulations which govern the uranium mining industry in Texas. Multiple bills enacted by the Texas Legislature in 2007 (Senate Bill 1604, House Bill 3837 and House Bill 3838) and in 2013 (House Bill 1079) updated Texas statutory law and made certain that Texas laws are applicable to current mining techniques and operations, in addition to ensuring adequate protection of groundwater during such mining operations.

The Texas Legislature enacted HB 1079 in 2013 to address groundwater quality issues for the industry, including groundwater restoration, and an extensive rulemaking process at the TCEQ followed in 2014 to implement the language of HB 1079. Numerous stakeholders worked with the Texas Legislature on the language of HB 1079, and numerous opportunities for public participation were provided during the legislative process and during the TCEQ rulemaking process. It is this very process of stakeholder and public involvement that made the resulting TCEQ regulations reasonable and workable, and unfortunately such involvement is lacking from the proposed rules to 40 CFR Part 192.

Over the last eight years, both the TCEQ and RCT have completed extensive rulemaking procedures to implement the legislative acts and to modernize the state regulations which govern uranium mining exploration and production activities. Starting in 2007, the TCEQ had a two phase rulemaking process that lasted over three years, which constituted a substantial revision of the TCEQ rules and provided numerous opportunities for public comment. The RCT also adopted rule revisions in recent years that modernized the regulations governing the exploration of uranium mining in Texas.

In light of the current regulations that exist in Texas, the uranium mining companies in Texas strongly believe that the existing state restoration tables and criteria provide more than adequate protection for groundwater. EPA's proposed rules would require a significant increase in the time and resources required to meet the proposed restoration criteria. The proposed rules vastly increase the timelines required for restoration activities, and such an increase would threaten the very existence of the industry. Texas landowners would be very reluctant to enter into leases with uranium miners if those leases are to last decades in order to satisfy the extended monitoring requirements proposed by these new rules. Further, it is well established that the amount of fresh water used during these restoration activities is substantial. Raising the restoration table target values for listed elements as EPA has proposed would exponentially increase the use of water (a precious resource during the current drought in Texas) during restoration operations. Increasing these standards beyond both TCEQ requirements and EPA's own Safe Drinking Water Standards is a misguided effort and a perfect demonstration of the "law of diminishing returns."

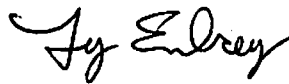
Texas has a long history of ISR mining and has built up an extensive base of knowledge and invaluable scientific data regarding ISR mining. During its rule-making processes over the last several years, the TCEQ has asked for, discussed and utilized the vast ISR mining knowledge that exists in Texas. Unfortunately, the EPA has rarely asked the industry for such information about ISR mining, nor has EPA engaged in meaningful discussions with the industry about ISR mining. This is especially true in the EPA's formulation process for the new subpart to 40 CFR Part 192. This data is readily available from both the uranium miners themselves and also from the TCEQ. The TMRA-UC Owner/ Operators in Texas would ask for the EPA to revise its proposed rules to incorporate the knowledge that exists at the TCEQ and in Texas.

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The TMRA-UC Owners/Operators requests that the EPA grant a 180 day extension for the comment period on the proposed EPA rules. The TMRA-UC Owners/Operators believe that such an extension is necessary to give all stakeholders the opportunity to comment based on the importance of the proposed rules and the impact of those proposed rules on the future of the uranium mining industry in the United States.

Thank you for the opportunity to provide our comments on the proposed EPA rule language and new subpart 40 CFR 192.

Sincerely,

A handwritten signature in black ink, appearing to read "Ty H. Embrey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ty H. Embrey