



May 5, 2008

Susan Jablonski, P.E., Director
Texas Commission on Environmental Quality
Radioactive Materials Division
Austin, Texas

Dear Ms. Jablonski:

By this letter, Water Remediation Technology, LLC (WRT) and its affiliate R.M.D. Operations, LLC (RMD) hereby submit their comments on the State of Texas' *Draft Concepts for Revisions to Rule Language: 30 TAC Chapter 305 (Consolidated Permits)*.

WRT's/RMD's primary corporate mission is to provide community water systems with the ability to remove radionuclides such as uranium and radium from public drinking water sources to comply with the United States Environmental Protection Agency's (EPA's) new maximum contaminant limits (MCLs) for uranium and radium in drinking water (hereinafter the "Radionuclide Rule"). WRT/RMD currently conducts licensed uranium water treatment operations pursuant to licenses/permits issued by the United States Nuclear Regulatory Commission (NRC) and its Agreement States and radium water treatment operations pursuant to relevant State licenses/permits. WRT/RMD currently holds licenses/permits from NRC and six States for uranium and/or radium water treatment operations. In addition, WRT/RMD anticipates submitting a permit application for uranium and radium water treatment operations to the State of Texas in the coming months.

A fundamental principle of WRT/RMD's water treatment operations is the refusal to re-introduce radionuclides such as uranium and radium removed from public drinking water sources in an uncontrolled manner back into the environment via disposal methods such as transfer down sanitary sewers and/or land application. With respect to uranium water treatment operations, WRT/RMD's treatment approach allows the uranium-laden water treatment residuals consisting of synthetic resins typically used in ion-exchange (IX) technology, to be an attractive candidate for recycling at either a licensed conventional uranium mill or an *in situ* uranium recovery (ISR) facility. As a result, WRT/RMD has determined that recycling its uranium water treatment residuals is the company's preferred option.

The State of Texas has been extremely successful in permitting and maintaining an active ISR industry for the recovery of significant uranium reserves in the South Texas region. As a result, given that its water treatment resins are substantially similar, if not identical to, those resins used in ISR processes, WRT/RMD believes that these State-based ISR facilities would be appropriate facilities for processing these uranium-laden water treatment resins. WRT/RMD is aware that receipt of these uranium-laden resins is not specifically authorized under a Texas ISR facility's permit, as these resins are generated under WRT/RMD's license. However, since these uranium-laden resins are essentially identical to those authorized for receipt and processing from ISR well-fields, WRT/RMD believes that receipt and processing of its resins by a Texas-based ISR facility should not require a major permit amendment. Currently, the State's proposed amendment descriptions do not specifically address the receipt and processing of uranium-laden resins from sources not authorized under the ISR facility's operating license. Under the State's proposed amendment descriptions, WRT/RMD believes that the authorization to receive and process its uranium-laden IX resins at a Texas-based ISR facility can be handled without using a major amendment.

Receipt and processing of WRT/RMD's uranium-laden resins do not require the same form of environmental review that is tied to the issuance of a "major amendment." First, all potential environmental impacts of the transfer of these uranium-laden resins, up to the point at which the permitted ISR facility takes possession of such resins, have been addressed under WRT/RMD's license/permit from either NRC or an Agreement State. Thus, any Texas-based environmental review of such potential impacts can adopt by reference its pre-existing reviews associated with the potential environmental impacts of ISR resin processing combined with NRC review of such impacts from processing the essentially identical (in terms of potential impacts) WRT/RMD uranium-laden IX resins.

FROM SOURCE TO SOLUTION™



Water Remediation Technology, LLC · 9500 W. 49th Avenue, Suite D100 Wheat Ridge, CO 80033
tel 303.424.5355 · fax 303.425.7497
email: info@wrtnet.com · web: www.wrtnet.com



Receipt and processing of these resins will not result in a change of authorized production limits or processing and waste disposal procedures. Thus, the receipt and processing of such resins will not result in any significant, additional potential impacts to public health and safety or the environment and, therefore, the State should classify the receipt and processing of such resins by ISR facilities as requiring a “minor” or “administrative” amendment, which will still assure that State regulators have adequate knowledge of all processing activities at the licensed ISR facility, just as NRC does by the registration of new municipalities under WRT’s/RMD’s performance-based, multi site license.

Given that the State potentially may have CWSs or other water sources from which uranium will need to be removed in the future and that removal of such uranium via IX technology is the predominant method for such removal, WRT/RMD believes it is in the State’s best interest to ensure that authorizing ISR facilities to receive and process uranium-laden IX resins should be as efficient and risk-informed as possible. Thus, WRT/RMD respectfully requests that the State determine that such authorizations require only a “minor” or “administrative” amendment. I would like to thank you for the opportunity to comment on these proposed descriptions, and please do not hesitate to contact me if you have any questions.

Very truly yours,

/Michael F. LaFleur/
Michael F. LaFleur
Senior Vice President
(225) 216-9660
mlafleur@wrtnet.com

FROM SOURCE TO SOLUTION™

