

Bickerstaff Heath Delgado Acosta LLP

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816 Congress Avenue Suite 1700 Austin, Texas 78701 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

September 2, 2008

Via Hand Delivery

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

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SEP 03 2008
BY *MT*

2008 SEP -2 PM 4: 29
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Public Comments and Request for Contested Case Hearing on Proposed Permit Nos. WDW418 and WDW419

Dear Ms. Castañuela:

On behalf of the Duval County Conservation and Reclamation District ("Duval District") and Jim Wells County Fresh Water Supply District No. 1 ("Jim Wells District"), I hereby request a contested case hearing on the application South Texas Mining Venture, LLP ("Applicant") for two permits to construct underground injection wells for the disposal of waste water. In addition, the Districts are providing comments to the draft permit for consideration by the Texas Commission on Environmental Quality ("TCEQ"). My contact information is as follows:

Emily Rogers
Bickerstaff Heath Delgado Acosta LLP
816 Congress Avenue, Suite 1700
Austin, Texas 78701
512-472-8021
512-320-5638 (Fax)

The Districts are an affected person and entitled to a contested case hearing on the above-referenced application.

The Duval District is an affected person because it has a personal justiciable interest that will be affected by this application. The District has five water wells which serve about 1200 retail water connections in the County. The location of the proposed injection wells are within the District and are about six miles from the Duval District water wells. The District provides potable water service through out Duval County. The proposed injection wells will have an adverse affect the District's water supply.

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The Jim Wells District is an affected person because it has a personal justiciable interest that will be affected by this application. The Jim Wells District provides potable water service with Jim Wells County just to the east of the proposed injection wells. The Jim Wells District has one water well which serves about 600 retail water connections (1900 people) in the Jim Wells County. The proposed injection wells will have an adverse affect the Jim Wells District's water supply.

Comments on the Application

The proposed draft permits do not adequately protect the water quality of the groundwater in Duval County and could cause pollution of the Districts' drinking water source, which is the sole source of water supply for the Districts. The Jim Wells District has uranium in its water supplies and it believes the uranium is from on-going mining in the area. The District is concerned that the proposed injection wells will exacerbate the existing problem.

The Districts do not believe that the Applicant has demonstrated that the installation of these injection wells is in the public interest or that it is financially responsible. Additionally, the Districts believe that the Applicant has not adequately determined that there are no other practical, economic, and feasible alternatives for the injection wells and that the Applicant has not provided for proper operations of the proposed injection wells.

Should you have any questions, please contact me at 512-472-8021.

Sincerely,


Emily W. Rogers

EWR/mmr

cc: Duval County Conservation and Reclamation District
Jim Wells County Fresh Water Supply District No. 1

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2008 SEP - 2 PM 3:46
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Jim Wells County Fresh Water Supply District No. 1