

30131

2/3/09

TO:

Executive Director

Texas Commission on Environmental Quality

TCEQ Docket #2008-188-UIC

TCEQ UIC Permit no. UR03075

RE: EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST



Denying individual's hearing request, page 12

Sir:

You are denying our hearing request on the grounds that you were unable to verify our location. Per the copies of the envelope you mailed us the aforementioned document; we gave you our correct physical location which is also our mailing address. It is a Victoria address but the physical location is in Goliad County located two miles south of Schroeder on Fannin Road.

Therefore I respectfully request you reconsider and reinstate our hearing request.

In addition, on page 13 of said document, you state that it is not relevant if the uranium mining has a negative economic impact on our community. And you also state that it is not relevant if the uranium mining decreases property value in the surrounding area. Both of these statements are totally relevant. ~~They are the very heart of why we are opposing this uranium mining operation.~~

Please reinstate our hearing request and please consider that we are highly concerned that our property values could possibly drop severely should our water sands become contaminated by this uranium mining operation. I have professional background dealing in the hydraulics of sub-surface waters. I spent 19 years installing, maintaining, and monitoring contamination of groundwater sands via GCMS instrumentation. I know that at any given point hydraulics can cause water to go in potentially any direction. I also realize that our local water sands gravitate from a northerly direction and shed their waters toward the gulf. This puts our water wells in harm's way should uranium contamination occur.

Thank you for your consideration.

Mack and Sue Guthrie
2262 Fannin Road
Victoria, Texas 77905

Cc: Goliad County Groundwater Conservation District
Goliad County
Water Is Life

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 17 AM 11:04
CHIEF CLERKS OFFICE



TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087
RETURN SERVICE REQUESTED

SH

MACK & SUE GUTHRIE
2262 FANNIN ROAD
VICTORIA TX 77905-3071

3. Does the application adequately and accurately describe baseline conditions of the groundwater in the proposed permitted area under applicable requirements of 30 TAC Chapter 331?
4. Does the application meet all applicable criteria of 30 TAC § 331.122, related to required consideration by the commission prior to issuing a Class III Injection Well Area Permit?
5. Has the Applicant demonstrated that the proposed exempted aquifer meets the applicable criteria of 30 TAC § 331.13?
6. Is the application sufficiently protective of groundwater quality?
7. Does the application adequately characterize and describe the geology and hydrology in the proposed permit area, including fault lines, under the applicable rules?
8. Do the geologic and hydraulic properties of the proposed permit area indicate that the Applicant will be able to comply with rule requirements?
9. Does the Applicant meet the applicable requirements for financial assurance under Texas Water Code §§ 27.051, 27.073, and 30 TAC Chapters 37 and 331?
10. Is the application sufficiently protective of surface water quality?
11. Are local roadways sufficient to handle traffic to and from the proposed facility?

The Executive Director recommends that the following issues not be referred to SOAH:

- ✓12. Will the proposed activity have a negative impact on economic interests of individuals or the economy of the general community?

This issue is not relevant and material to the decision on the application because the UIC rules do not require a review of economic impacts in the permitting process. Therefore, this issue should not be referred for hearing.

- ✓13. Will the proposed activity decrease property values in the surrounding area?

This issue is not relevant and material to the decision on the application because the UIC rules do not require a review of property values in the permitting process. Therefore, this issue should not be referred for hearing.

- ✓14. Will the proposed activity reduce the amount of groundwater available or cause nearby wells to run dry?

Of the individuals who submitted hearing requests, the following either provided no location information, a P.O. Box address, or a narrative description of a location that could not be mapped using the information provided and the mapping software available to the ED:

Barnhart, John N.	McKinney, Ricki
Bluntzer, Doris & Charles	Sauermilch, Wilbert
Bochat, Matt & Erika	Schoenherr, Elizabeth
Bode, Jenny	Sherwood, Robin
Collins, Lamar M. & Christine H.	Swanson, Merrill & Rebecca
Guthrie, Mack M. & Sue N.	Swickheimer, Georgia Lee
Gutmann, Mr. & Mrs. G.A.	Thieme, Roland & Patty
Hill, Col. (R) & Mrs. Wm. V.	Ward, Roy A. & Martha G.
Hinman, Robert & Michele	Wunsch, Thomas & Gloria
Kornfuehrer, Gaylon & Barbara	Wunsch, Trace & Leslie

Because the ED was unable to confirm each requestor's location, he was unable to determine whether or not these requestors were more likely to be affected by the proposed regulated activity than any other person. Therefore, the Executive Director respectfully recommends denying these individuals' hearing requests.

F. Other Individuals

Ashley Duderstadt submitted a hearing request stating that she lives in Victoria, Texas, but her family lives at 722 Duderstadt Road in the Goliad area. Megan Duderstadt submitted a hearing request stating that she lives in Corpus Christi, Texas, but her family lives at 722 Duderstadt Road. Neither Ashley nor Megan Duderstadt lives or owns property within the area of review; therefore, the Executive Director respectfully recommends denying their hearing requests.

III. Issues

Hearing requestors raised myriad specific concerns. After careful review, the ED proposes the following list of issues, which would encompass most of the issues raised, both broad and specific. All of the issues discussed here are disputed issues of fact, which were raised during the comment period, in a comment that was not withdrawn. Those issues that the ED does not recommend for referral will be discussed below.

The ED recommends that the following relevant fact issues be referred to SOAH:

1. Are the use and installation of the injection wells in the public interest under Tex. Water Code §§ 27.051(a)(1) and (d)?
2. Does the Applicant's compliance history require denial of the application under Tex. Water Code § 27.051(e) and 30 TAC Chapter 60?