TCEQ DOCKET NO. 2015-1268-UIC

APPLICATIONS BY URI, INC. FOR RENEWAL AND MAJOR AMENDMENT OF CLASS III INJECTION WELL AREA PERMIT NO. UR02827	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Executive Director's Response to Hearing Requests

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (the TCEQ or Commission) files this Response to Hearing Requests on the applications of URI, Inc. (Applicant) for renewal and major amendment to Class III injection well area permit UR02827. The following individuals timely requested a contested case hearing: Eleuterio Saenz, Elizabeth Cumberland, Jeanette Cumberland Hix, Marie Bippert, Will Bippert, Carlos Ortegon, Daniel Ortegon, Rolando De La Rosa, Robert De La Rosa, Sabina Benavente, Heraclio Benavente, Maria Del Rosaria Benavente, Candelario Q. Benavente, Diana B. Medina, Richard Scott Medina, Mark M. Walsh, Armando Garcia, Blanca Garcia, Beto Garcia, Olga Martinez, Ferman Garza, Nerio Martinez, Alfonso R. Ramos, Norma Garza Ortegon, Carlos Ortegon, Dale Cumberland, and Bruce Cumberland. Attorney David Frederick filed a request for contested case hearing on behalf of Kleberg County. This response analyzes the required elements of a hearing request. As explained below, the Executive Director recommends that most of the requests for contested case hearing be granted.

Attached for Commission consideration are the following:

Attachment A :	GIS Map and Key, generated by the Executive Director from information contained in the Application and the Hearing Request, depicting the approximate facility boundary and the approximate location of the individual requestors' residence or property
Attachment B:	The Applicant's Compliance History Summary for the period ending August 31, 2014
Attachment C:	Technical Summary and Executive Director's Preliminary Decision
Attachment D:	Executive Director's Response to Public Comment
Attachment E:	Final Draft Permit No. UR02827

II. Description of Facility and Application

URI, Inc. operates the Kingsville Dome uranium mine in Kleberg County under Class III injection well area permit No. UR02827. The Kingsville Dome Mine is located approximately eight miles southeast of the city of Kingsville and four miles east of the

town of Ricardo at 641 FM 1118. The mining operation uses the "in situ" solution mining technique to remove uranium from the subsurface using injection and recovery wells. Class III injection wells inject water enriched with oxygen and sodium bicarbonate (lixiviant) into underground deposits of uranium ore. The production zone where mining occurs is in the Goliad Formation at a depth ranging from 460 to 850 feet below ground level. The lixiviant oxidizes the uranium and makes it mobile in solution. Production wells are used to produce the solutions bearing the uranium to the surface where resin beads are used to remove the uranium from the solution in an ion exchange process. Reverse osmosis treatment is used to recondition the water for reuse as lixiviant for continued mining. When mining is complete, the groundwater in the production zone of each production area must be restored according to the requirements of a TCEQ-issued Production Area Authorization (PAA). There have been three PAAs issued for the Kingsville Dome Mine. URI has notified the agency that it has ceased mining and completed restoration efforts in all three production areas. URI would have to receive a new PAA from the TCEQ before mining in any new production areas at the Kingsville Dome Mine can be authorized. URI also possesses a TCEQ-issued radioactive materials license for the possession and processing of radioactive materials and two Class I injection well permits authorizing waste disposal injection wells.

URI applied to the TCEQ for renewal of its Class III injection well area permit No. UR02827 in an application dated September 24, 2012. Because URI did not submit a renewal application before September 1, 2012, authorization to use injection wells for purposes of mining or recovering uranium at the Kingsville Dome Mine expired under Tex. Water Code § 27.0513(b). Expiration of the authority to use the injection wells to recover uranium does not relieve URI from other obligations under the permit to restore groundwater and to plug and abandon wells. URI submitted an application dated December 12, 2012, for a major amendment of the permit to revive the authority to construct and operate injection wells for the mining of uranium. The renewal and major amendment applications were processed and reviewed together. URI subsequently revised its applications to amend the permit range table to include pre-mining groundwater information from wells in Production Area 3 and to revise well plugging methods in the closure plan. The Executive Director completed technical review of the applications and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate.

The Executive Director would like to respond to several concerns raised in the hearing requests that are not addressed in these pending applications. The pending applications relate to renewal and amendment of URI's Class III injection well area permit. The draft permit does not revise any PAA restoration tables; an application for a PAA restoration table amendment is a separate type of application that has not been submitted by URI for the Kingsville Dome Mine. The draft permit does not authorize the receipt of radioactive materials from offsite locations. Any request to receive radioactive materials from other locations that are not currently authorized under the

license would be made through an application for amendment to the radioactive materials license issued to URI.

III. Procedural Background

Both applications were declared administratively complete on March 19, 2013. The Notice of Receipt of Applications and Intent to Obtain Renewal and Major Amendment of Class III Injection Well Area Permit was issued on March 22, 2013 and published on July 2, 2013, in the *Kingsville Record and Bishop News*. The Executive Director completed the technical review of the Applications on March 4, 2015, and prepared a draft permit. The Notice of Applications and Preliminary Decision for Renewed and Amended Class III Injection Well Area Permit was issued on March 4, 2015, and was published on April 8, 2014 in the *Kingsville Record and Bishop News* and on April 24, 2015, in the *Corpus Christi Caller Times*. The comment period for these applications closed on May 26, 2015. The Executive Director filed a response to public comment on July 10, 2015. The Executive Director's final decision letter was mailed on July 14, 2015. The period for filing a Request for Reconsideration or Contested Case Hearing ended on August 13, 2015. These applications were administratively complete on or after September 1, 1999; therefore, these applications are subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. House Bill 801 established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The Commission implemented House Bill 801 by adopting procedural rules in 30 Tex. Admin. Code, Chapters 39, 50, and 55.

A. Response to Request

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request.

Responses to hearing requests must specifically address:

a) whether the requestor is an affected person;

b) whether issues raised in the hearing request are disputed;

c) whether the dispute involves questions of fact or of law;

d) whether the issues were raised during the public comment period;

e) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;

f) whether the issues are relevant and material to the decision on the application; and

g) a maximum expected duration for the contested case hearing.

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements.

A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided and must be based on an issue that was raised in a public comment addressed in the Executive Director's Response to Comment.

A hearing request must substantially comply with the following:

a) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible fax number, who shall be responsible for receiving all official communications and documents for the group;

b) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

c) request a contested case hearing;

d) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's Response to Comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

e) provide any other information specified in the public notice of application.

C. "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person." Commission rule in 30 TAC § 55.203 sets out who may be considered an affected person.

a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest.

b) Except as provided by 30 TAC § 55.103, government entities, including local governments and public agencies, with authority under state law over issues raised by the application; and

c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

    1) whether the interest claimed is one protected by the law under which the application will be considered;

    2) distance restrictions or other limitations imposed by law on the affected interest;

    3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

    4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

    5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and

    6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

In addition the Executive Director, Public Interest Counsel, or the Applicant may request that a group or association provide an explanation of how the group or association meets the above requirements.

D. Referral to the State Office of Administrative Hearings (SOAH)

When the Commission grants a request for a contested case hearing, it must issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing. Commission rule in 30 TAC § 50.115(c) sets out the test for determining whether an issue may be referred to SOAH. The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue: 1) involves a disputed question of fact; 2) was raised during the public comment period; and 3) is relevant and material to the decision on the application.

V. Analysis of the Requests

Analysis of the Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, whether each requestor qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

1. Whether the Requestor Complied with 30 TAC § 55.201(c) and (d)

The Executive Director has analyzed the requests and determined that the requests comply with the requirements of 30 TAC § 55.201(c) and (d)(1)-(3). The public comment period for this permit application ended on May 26, 2015. The period for timely filing a request for a contested case hearing on this permit application ended on August 13, 2015. All of the hearing requests listed above were timely submitted. The Executive Director believes that most of the hearing requests substantially comply with the requirements of 30 TAC § 55.201(d): 1) by providing the requestor's name, address, daytime phone number; 2) by purporting to identify a personal justiciable interest; 3) by requesting a contested case hearing; and 4) by listing relevant and material disputed issue of fact that were raised during the public comment period.

There was only one issue raised during the public comment period. The one public comment received alleged that URI has contaminated Water Well 24 located in the Garcia Hill area in Kleberg County northwest of URI's Production Area 3 at the Kingsville Dome Mine. The Executive Director responded to this comment in the Executive Director's Response to Public Comments filed on July 10, 2015 (Attachment D). The Executive Director reviewed the hearing requests to determine whether each requestor substantially complied with the requirement to list a relevant and material disputed issue of fact that was raised during the comment period by listing an issue relating to: contamination of Water Well 24; contamination of groundwater at Garcia Hill; contamination of groundwater in general; contamination of water supplies; and/or health issues that can be inferred to relate to consumption of contaminated groundwater.

The Executive Director concludes that the requests for hearing submitted by Jeanette Cumberland Hix and Mark M. Walsh fail to present relevant and material disputed issues of fact that were raised during the public comment period. The request from Ms. Hix describes concerns about impacts to the development of her oil and gas interests; the request from Mr. Walsh describes concerns about restoration progress, water availability, transportation of radioactive materials, and reversal of the direction of groundwater flow.

The Executive Director concludes that the requests for hearing submitted by Eleuterio Saenz, Elizabeth Cumberland, Marie Bippert, Will Bippert, Carlos Ortegon, Daniel Ortegon, Rolando De La Rosa, Robert De La Rosa, Sabina Benavente, Heraclio Benavente, Maria Del Rosaria Benavente, Candelario Q. Benavente, Diana B. Medina, Richard Scott Medina, Armando Garcia, Blanca Garcia, Beto Garcia, Olga Martinez, Ferman Garza, Nerio Martinez, Alfonso R. Ramos, Norma Garza Ortegon, Carlos Ortegon, Dale Cumberland, Bruce Cumberland and David Frederick on behalf of Kleberg County, included relevant and material disputed issues of fact that were raised during the public comment period.

2. Whether the Requestor is an Affected Person

The Executive Director has analyzed the requests and determined that most of the requestors provided information demonstrating that they are affected persons with a personal, justiciable interest in the Applications. The Executive Director has grouped the hearing requestors into four categories: residents in the Garcia Hill area of Kleberg County; residents or owners of property interests within, adjacent or nearby to URI's permit area; residents or owners of property beyond three miles of the permit area; and Kleberg County.

A. Residents in the Garcia Hill area of Kleberg County

The hearing requests of Carlos Ortegon, Daniel Ortegon, Norma Garza Ortegon, Carlos Ortegon, Armando Garcia, Blanca Garcia, Beto Garcia, Olga Martinez, and Nerio Martinez represent that these requestors own property or reside in the Garcia Hill area of Kleberg County adjacent to the northwest corner of URI's permitted boundary. The Chief Clerk received two different requests from individuals named Carlos Ortegon with different mailing addresses; accordingly, the Executive Director is treating these as separate requests. The Garcia Hill residents are owners or users of Water Well 24 or a shared water tank that has, at times, received water pumped from Water Well 24. These requestors express concern that URI's activities have contaminated groundwater in Water Well 24 and the Garcia Hill area. These requestors' interests in groundwater are protected under the laws which URI's applications will be considered. These requestors claim a likely impact of URI's regulated activities on their use of natural resources and on their health, safety and use of property. The Executive Director recommends finding that Carlos Ortegon, Daniel Ortegon, Norma Garza Ortegon, Carlos Ortegon, Armando Garcia, Blanca Garcia, Beto Garcia, Olga Martinez, and Nerio Martinez are affected persons.

B. Residents or owners of property interests within, adjacent or nearby to URI's permit area

The hearing requests of Eleuterio Saenz, Elizabeth Cumberland, Dale Cumberland, and Bruce Cumberland all assert ownership interests in real property within or adjacent to URI's permit area. As an owner of mineral interests within the permit area, Jeanette Cumberland Hix could be considered as affected person, but her request failed to list a disputed issue of fact raised during the comment period. The hearing requests of Sabina Benavente, Heraclio Benavente, Maria Del Rosario Benavente, Candelario Q. Benavente, Diana Medina, and Richard Scott Medina indicate that they reside within URI's permit boundary. The hearing requests of Rolando De La Rosa, Robert De La Rosa, Marie Bippert, Will Bippert, and Ferman Garza indicate that they reside adjacent to URI's facility. The hearing request of Alfonso R. Ramos states that his home is very close to the mine area and that his well water is his only source of water. These requests have identified that residents or owners of interests in real property within, adjacent or close to URI's permitted area, these requestors have unique interests that are not common to members of the general public. The requestors present concerns of protecting their property from groundwater contamination and assert a

likely impact from URI's activities on their health, safety or use of property. Protection of groundwater outside the production areas and protection of underground sources of drinking water are addressed under the laws that must be considered for URI's applications. Therefore, the Executive Director recommends finding that Eleuterio Saenz, Elizabeth Cumberland, Jeanette Cumberland Hix, Dale Cumberland, Bruce Cumberland, Sabina Benavente, Heraclio Benavente, Maria Del Rosario Benavente, Candelario Q. Benavente, Diana Medina, Richard Scott Medina, Rolando De La Rosa, Robert De La Rosa, Marie Bippert, Will Bippert, Ferman Garza, and Alfonso R. Ramos are affected persons.

C. Residents or owners of property beyond three miles of the permit area

The hearing request of Mark M. Walsh states that he resides 3.9 miles from URI's mine; because of this distance, the location of his residence is not depicted on the map in Attachment A. In his request, he raises concerns about URI's restoration progress, the general availability of groundwater in Kleberg County, transportation and traffic risks associated with URI's operations, and the direction of groundwater flow towards the city of Kingsville. These expressed concerns are interests that would be shared in common with members of the general public. Because the distance from the requestor's residence to URI's facilitiy is represented as 3.9 miles, there is not a likely impact of the regulated activity on the requestor's health, safety, use of property, or use of natural resources. Therefore, the Executive Director cannot find that Mark M. Walsh is an affected person. Accordingly, the Executive Director recommends that the request for contested case hearing of Mark M. Walsh be denied.

D. Kleberg County

The hearing request submitted by David Frederick on behalf of Kleberg County states that the County has a commitment to the preservation and protection of health and safety of Kleberg County citizens and to the control of possible groundwater contamination arising from URI activities. Kleberg County's request asserts that the County has statutory authority over or interests in URI's application under Texas Health and Safety Code Chapters 121, 341, 361 and 364 and Texas Water Code Chapter 26. Kleberg County's request also asserts that the County owns water wells at Kleberg County Park and LE Ramey Golf Course that are downgradient from the URI Kingsville Dome mine. The Executive Director estimated that the distance from Kleberg County Park to the northwest corner of URI's permit area is approximately 4.7 miles and the distance from LE Ramey Golf Course to the northwest corner of URI's permit area is approximately 2.75 miles. The Commission has previously determined that Kleberg County is an affected person and granted its requests for contested case hearing on other URI applications for the Kingsville Dome Mine (TCEQ Docket Nos. 1997-1063-UIC and 2004-0746-UIC). Accordingly, the Executive Director recommends finding that Kleberg County is an affected person, as a governmental entity under 30 TAC § 55.203(c)(6).

The Executive Director recommends that the Commission find that Eleuterio Saenz, Elizabeth Cumberland, Marie Bippert, Will Bippert, Carlos Ortegon, Daniel Ortegon, Norma Garza Ortegon, Carlos Ortegon, Rolando De La Rosa, Robert De La Rosa, Sabina Benavente, Heraclio Benavente, Maria Del Rosaria Benavente, Candelario Q. Benavente, Diana B. Medina, Richard Scott Medina, Armando Garcia, Blanca Garcia, Beto Garcia, Olga Martinez, Ferman Garza, Nerio Martinez, Alfonso R. Ramos, Dale Cumberland, Bruce Cumberland, and Kleberg County are affected persons under 30 TAC § 55.203. The Executive Director recommends that the Commission find that Mark M. Walsh is not an affected person under 30 TAC § 55.203.

VI. Whether the Issues Raised May be Referred to SOAH for a Contested Case Hearing

The Executive Director has analyzed the issues raised to determine whether the issues are appropriate for referral to SOAH.

Issue Number 1: Whether URI's activities have contaminated Water Well 24 in the Garcia Hill area of Kleberg County such that URI's applications for major amendment or renewal of Class III injection well area permit UR02827 should not be approved under 30 TAC § 331.5.

Issue Number 1 was raised during the public comment period, was not withdrawn, and was addressed in the Executive Director's Response to Public Comment, Comment Number 1. Eleuterio Saenz submitted a comment during the comment period alleging that URI's activities have contaminated Water Well 24. The Executive Director responded to the comment. The requests for hearing purport to dispute the Executive Director's response to the comment. URI's past permitted activities and requested future activities require the confinement of its mining solutions to the production zones of designated production areas (30 TAC § 331.102); offsite contamination caused by URI's injection activities is not authorized in the permit or in TCEQ rules (30 TAC § 331.5). If URI's activities have led to the contamination of Water Well 24, as alleged in the comment, it would indicate that URI has not properly contained its mining solutions and that URI's operations have resulted in the pollution of an underground source of drinking water. Commission rule in Section 331.5 provides that "no permit or authorization by rule shall be allowed where an injection well causes or allows the movement of fluid that would result in the pollution of an underground source of drinking water." Issue Number 1 involves a disputed question of fact that is relevant and material to the decision on these applications.

Therefore, the Executive Director concludes that Issue Number 1 is the only issue that is appropriate for referral to SOAH.

VII. Duration of the Contested Case Hearing

Should the Commission decide to refer this case to SOAH, the Executive Director recommends a nine month duration for a contested case hearing from the date of the preliminary hearing to the presentation of a proposal for decision.

VIII. Executive Director's Recommendation

The Executive Director recommends the following actions by the Commission:

a) Find that Eleuterio Saenz, Elizabeth Cumberland, Marie Bippert, Will Bippert, Carlos Ortegon, Daniel Ortegon, Rolando De La Rosa, Robert De La Rosa, Sabina Benavente, Heraclio Benavente, Maria Del Rosaria Benavente, Candelario Q. Benavente, Diana B. Medina, Richard Scott Medina, Armando Garcia, Blanca Garcia, Beto Garcia, Olga Martinez, Ferman Garza, Nerio

Martinez, Carlos Ortegon, Norma Garza Ortegon, Alfonso R. Ramos, Dale Cumberland, Bruce Cumberland, and Kleberg County are affected persons and grant their hearing requests.

b) If the Commission finds that any of the persons listed above are affected persons, the following issue should be referred to SOAH for a Contested Case Hearing for a duration of nine months:

   1) Whether URI's activities have contaminated Water Well 24 in the Garcia Hill of Kleberg County such that URI's application for renewal or major amendment of injection well area permit No. UR02827 should not be approved under 30 TAC § 331.5.

c) Deny the hearing requests of Jeanette Cumberland Hix and Mark M. Walsh.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde P.E.
Executive Director

Caroline Sweeney, Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division

By Don Redmond
Don Redmond, Attorney
Environmental Law Division
State Bar No. 24010336
P. O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: 512.239.0612
don.redmond@tceq.texas.gov

REPRESENTING THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2015, the "Executive Director's Response to Hearing Requests" received on the applications by URI, Inc. for renewal and major amendment of Class III injection well area permit No. UR02827, were filed with the TCEQ's Office of the Chief Clerk and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the US First Class Mail.

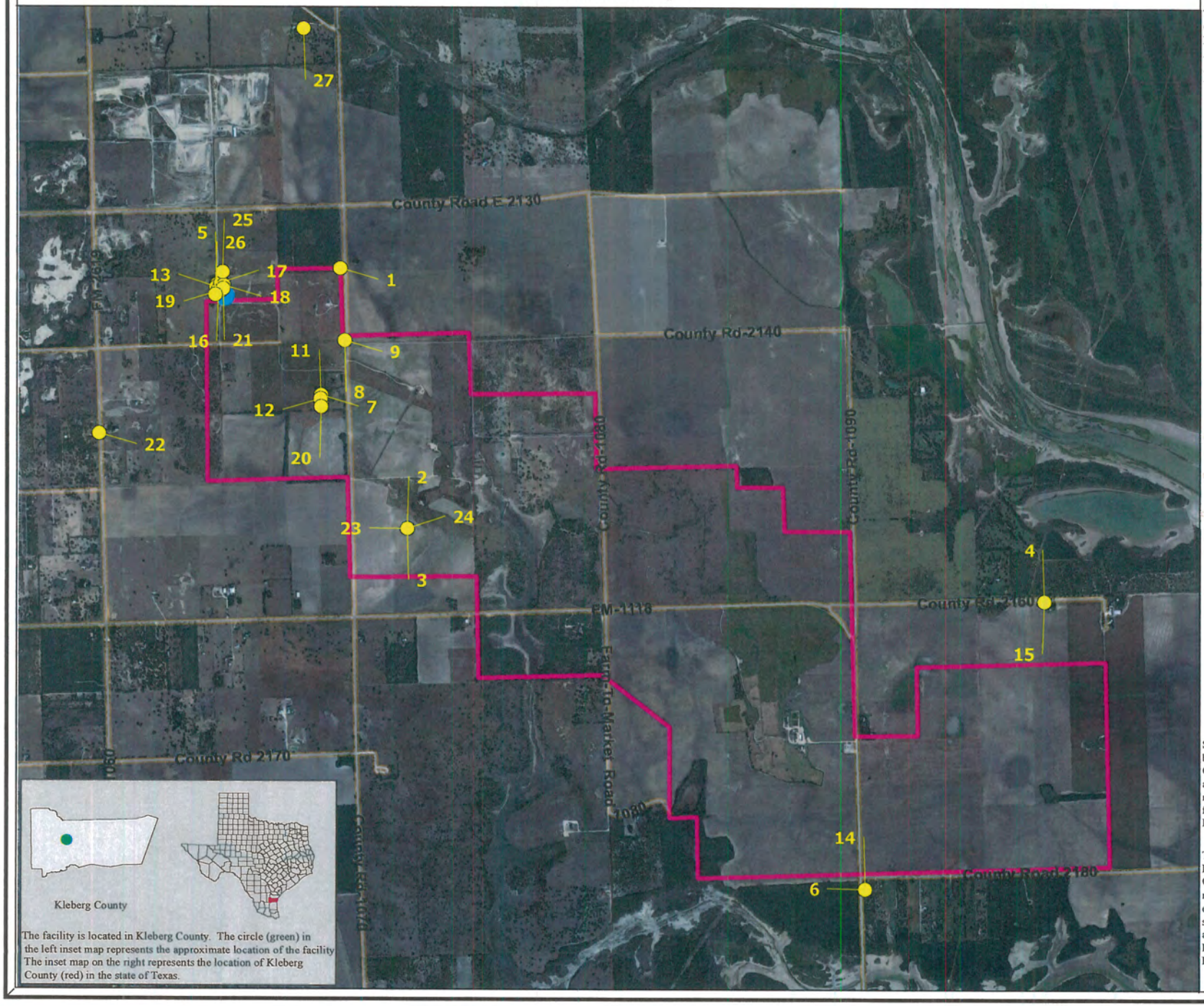
By Don Redmond

Don Redmond, Attorney
Environmental Law Division
State Bar No. 24010336
P. O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: 512.239.0612
don.redmond@tceq.texas.gov

Attachment A

UR02827 Permit Area
Location of Requestors

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

Date: 9/4/2015

N

0 0.25 0.5 Miles

- Permit Area Boundary
- WW24
- Requesters
- Toll Roads
- Major Highways
- Intermediate Roads
- Minor Roads

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The background imagery of this map is from the current Environmental Systems Research Institute (ESRI) map service, as of the date of this map.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

CRF 457875

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Requestor Location Key

1. Eleuterio Saenz
2. Elizabeth Cumberland
3. Jeanette Cumberland Hix
4. Marie Bippert
5. Carlos Ortegon
6. Rolando De La Rosa
7. Sabina Benavente
8. Diana B. Medina
9. Richard Scott Medina
10. Mark M. Walsh (location not depicted on map)
11. Heraclio Benavente
12. Maria Del Rosario Benavente
13. Daniel Ortegon
14. Robert De La Rosa
15. Will Bippert
16. Armando Garcia
17. Blanca Garcia
18. Beto Garcia
19. Olga Martinez
20. Candelario Q. Benavente
21. Nerio Martinez
22. Ferman Garza
23. Dale Cumberland
24. Bruce Cumberland
25. Carlos Ortegon
26. Norma Garza Ortegon
27. Alfonso R. Ramos
28. Kleberg County (location of water wells not depicted on map)

Attachment B

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN600604417, RN102380763, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600604417, Uri, Inc.	**Classification:** HIGH	**Rating:** 0.00
Regulated Entity:	RN102380763, KINGSVILLE DOME	**Classification:** HIGH	**Rating:** 0.00
Complexity Points:	5	**Repeat Violator:** NO	
CH Group:	14 - Other		
Location:	641 E FM 1118 KINGSVILLE, TX 78363-2628, KLEBERG COUNTY		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 15129
AIR NEW SOURCE PERMITS ACCOUNT NUMBER KJ0020N
UNDERGROUND INJECTION CONTROL PERMIT UR02827
UNDERGROUND INJECTION CONTROL PERMIT WDW247
UNDERGROUND INJECTION CONTROL PERMIT WDW248
UNDERGROUND INJECTION CONTROL PERMIT 5X250011
UNDERGROUND INJECTION CONTROL PERMIT 5X2500111
UNDERGROUND INJECTION CONTROL PERMIT UR02827PAA3
UNDERGROUND INJECTION CONTROL PERMIT UR02827PAA2
UNDERGROUND INJECTION CONTROL PERMIT UR02827PAA1
URANIUM LICENSE R03653

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: February 10, 2015

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2009 to August 31, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Fred Duffy **Phone:** (512) 239-6891

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?	YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period?	NO
3) If **YES** for #2, who is the current owner/operator?	N/A
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?	N/A
5) If **YES**, when did the change(s) in owner or operator occur?	N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 18, 2010	(801903)
Item 2	July 08, 2010	(826476)

Item 3	August 04, 2010	(829967)
Item 4	May 18, 2011	(920247)
Item 5	June 13, 2011	(923976)
Item 6	July 19, 2011	(936089)
Item 7	October 05, 2011	(952504)
Item 8	May 16, 2012	(1003146)
Item 9	May 17, 2012	(1003000)
Item 10	June 13, 2012	(1013041)
Item 11	February 05, 2013	(1056134)
Item 12	May 29, 2013	(1093894)
Item 13	June 21, 2013	(1099754)
Item 14	March 12, 2014	(1146808)
Item 15	May 19, 2014	(1167079)
Item 16	June 24, 2014	(1174105)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Attachment C

February 2015

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

Description of Applications

Applicant: URI, Inc. (URI)
In- situ Uranium Mining Project
Underground Injection Control (UIC) Permit No. UR02827

Location: The Kingsville Dome mine is located 8 miles southeast of the city of Kingsville, and 4 miles east of the town of Ricardo off FM 1118, Kleberg County, Texas.

General: The facility is an *in- situ* uranium mine.

Request: URI submitted separate renewal and major amendment applications to the Texas Commission on Environmental Quality.(TCEQ). The renewal application dated September 24, 2012 was for the renewal of TCEQ area Permit No. UR02827, which authorizes injection wells within the permitted area used for the continuance of groundwater restoration. The major amendment application dated December 12, 2012 requested amendment of the permit to provide authority to construct and operate injection wells for mining of uranium, which expired under the existing permit on September 1, 2012. Both of these applications are in accordance with 30 Texas Administrative Code (TAC) §§331.81 - 331.86 and 331.122. The applications were declared administratively complete on March 22, 2013.

During the technical review process, URI submitted revisions to the applications to revise well plugging methods in the closure plan for Class III wells and to update the permit range table to include groundwater quality information from the wells used to produce the PAA3 baseline water quality table.

Authority: The permit is required by Texas Water Code §27.011. The permit applications have been evaluated and a draft permit has been prepared in accordance with applicable requirements of 30 TAC Chapters 281, 305, and 331.

Technical Information

The proposed permit includes the following:

A. Establishes a 10-year term for the permit;

B. Requires proof of mechanical integrity for all Class III wells in accordance with 30 TAC §§331.4, 331.43(d), 331.82(c)(2), and 331.85(c);

C. Requires confinement of mining solutions to the zone in which uranium will be recovered in accordance with 30 TAC §331.102;

D. Requires placement of monitor wells to provide vertical and horizontal surveillance of groundwater quality in accordance with 30 TAC §§331.82(g) and 331.103;

E. Specifies composition of mining solutions;

F. Establishes parameters for groundwater monitoring for the detection of excursions of mining

solutions from the production zone, and requirements for addressing excursions;

G. Establishes requirements for sampling, sample preservation, sample analysis, and quality control for sampling;

H. Establishes requirements of monitoring and reporting;

I. Establishes requirement for aquifer restoration in accordance with 30 TAC §331.107;

J. Establishes requirements for plugging and abandonment of baseline wells, monitor wells, injection wells, and production wells;

K. Establishes requirements for financial assurance for plugging and abandonment of all wells;

L. Includes special condition: Any injection in a new production area for purposes of mining or recovery of uranium under this permit will require a new Production Area Authorization. Any injection in Production Area 3 for purposes of mining or recovery of uranium may require amendment to Production Area Authorization UR2827PAA3, including amendment of baseline water quality values, restoration values, control parameter upper limits, and installation of new and additional monitor wells, as determined by the executive director; and

M. Revises the permit range table to include groundwater quality information from Class III wells located in Production Area 3.

The production zone is a portion of the Goliad Sandstone Formation approximately 460 to 850 feet below ground level (420 to 810 feet below sea level). Hydrologic pump tests have determined that no communication exists between the production zone and the overlying and underlying aquifers. Clay aquitards protect these overlying and underlying aquifers from *in- situ* mining in the mineralized sands.

The mining procedure involves injection of native groundwater, carbon dioxide, and oxygen into the uranium bearing sands through a pattern of injection wells. The uranium is oxidized and dissolved by this solution. The solution is then pumped from a pattern of recovery wells, to the processing plant where uranium is extracted by ion exchange. Finally, the water is reconstituted with oxidizing agents and is recycled to the field for reinjection. A small amount of water is continuously withdrawn from the overall operation for disposal. This produces a hydraulic sink causing groundwater to flow toward the production area. Monitor wells will be installed at each of the production areas to provide horizontal and vertical surveillance of groundwater quality and to monitor confinement of the mining solution in the production zone. Mining began in 1988. Presently, URI is not actively mining. PAA1, PAA2 and PAA3 are in the stability phase.

After mining is completed, the permittee is authorized to use injection wells for groundwater restoration of the production areas according to the requirements of 30 TAC §331.107. The permittee is required to use reverse osmosis treatment during full-scale groundwater restoration.

The mining permit does not authorize discharge of fluids into or adjacent to any water in the State. Matters relating to the handling and storage of radioactive materials are authorized by a radioactive material license.

URI has been issued two (2) UIC Class I disposal well permits, WDW247 and WDW248 for management of excess volumes of water produced as by-products of the in situ mining and groundwater restoration processes. WDW248 was drilled and put into operation in 1987.

State rules and federal regulations prohibit injection that may degrade underground sources of drinking water (USDW). Since the ore bearing sands are in a USDW, and the mining activity will elevate the concentration of dissolved minerals in the ground water in each production area within the area included in the permit, rules provide for exemption of specified portions of a mined aquifer from definition and protection as a USDW. An aquifer exemption, therefore, is required to conduct injection into a USDW-quality aquifer for the beneficial purpose of mineral production. Starting in 1987, and later expanded in 1994 a total of 2135 acres and a depth interval of 420 to 810 feet below sea level has been designated by the TCEQ and the U.S. Environmental Protection Agency (EPA) as an exempted aquifer for purposes of *in- situ* uranium mining. This aquifer exemption remains in effect and applicable to proposed *in- situ* uranium mining by URI. The exempted aquifer includes the production zone sands for *in- situ* recovery of uranium by URI. The applications for renewal and major amendment of TCEQ area Permit No. UR02827 do not modify or expand the existing exemption that has already been approved by TCEQ and EPA for the Kingsville Dome Mine.

In addition to the proposed *in- situ* mining permit, PAAs for individual production areas within the permitted area must be issued by the TCEQ. A PAA includes an updated mine plan, a groundwater restoration table, a baseline water quality table, a control parameter upper limits table, specification of monitor wells and their locations, and any special provisions determined to be appropriate.

In accordance with 30 TAC Chapter 37, §305.154(a)(9), and §§331.142-144, the permittee shall secure and maintain a financial assurance mechanism, to provide for the proper plugging and abandonment of all injection, production and monitor wells on the site. Financial assurance will be reviewed annually and may be altered and/or updated at a future date to reflect the prevailing general economic conditions. Financial assurance is also required as a condition of a radioactive materials license to ensure groundwater quality is restored after mining is terminated in each production area.

Process for Reaching a Final Decision and Opportunities for Public Participation

Once the proposed permit is completed, it is sent to the TCEQ Office of the Chief Clerk for public notice. Mailed and newspaper notice of the application and executive director's preliminary decision are provided in accordance with 30 TAC §39.651(d) with instructions for submitting public comments and requesting a public meeting. Written public comments and requests for a public meeting must be submitted to the Office of the Chief Clerk within 30 days from the date of publication of the newspaper notice.

The executive director will consider public comments in making a final decision on this application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. After the deadline for public comments, the executive director will consider the comments and prepare a response to all

relevant and material or significant public comments. The response to comments will include the executive director's decision on the application and will provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the commission's decision on the application on issues that were raised during the public comment period and not withdrawn. The executive director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled commission meeting.
If hearing requests are granted, the hearings will be conducted by the State Office of Administrative Hearings. Decisions regarding the permit may be reconsidered in response to a Motion for Rehearing or a Motion for Reconsideration and by appeal to a District Court in Travis County.

Preliminary Decision

The executive director has made a preliminary decision that the proposed permit, if issued, meets all statutory and regulatory requirements.

The proposed permit does not authorize variances or alternatives to required standards.

Prepared by:

Fred Duffy

Fred Duffy, P.G., Project Manager
Underground Injection Control Permits Section
Radioactive Materials Division

Reviewed by:

Lorrie Council, P.G., Manager
Underground Injection Control Permits Section
Radioactive Materials Division

Attachment D

TCEQ PERMIT NO. UR02827

APPLICATIONS BY URI, INC. FOR RENEWAL AND MAJOR AMENDMENT OF CLASS III INJECTION WELL AREA PERMIT No. UR02827	§ § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the Application by URI, Inc. (URI or Applicant), for renewal and major amendment of Class III injection well area permit No. UR02827 and on the Executive Director's Preliminary Decision. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk (OCC) timely received comments from Mr. Eleuterio L. Saenz.

This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about these permit Applications or the permitting process, please call the TCEQ's Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND

Description of Facility

URI, Inc. operates the Kingsville Dome uranium mine in Kleberg County under Class III injection well area permit No. UR02827. The Kingsville Dome Mine is located approximately eight miles southeast of the city of Kingsville and four miles east of the town of Ricardo at 641 FM 1118. The mining operation uses the "in situ" solution mining technique to remove uranium from the subsurface using injection and recovery wells. Class III injection wells inject water enriched with oxygen and sodium bicarbonate (lixiviant) into underground deposits of uranium ore. The production zone where mining occurs is in the Goliad Formation at a depth ranging from 460 to 850 feet below ground level. The lixiviant oxidizes the uranium and makes it mobile in solution. Production wells are used to produce the solutions bearing the uranium to the surface where resin beads are used to remove the uranium from the solution in an ion exchange process. Reverse osmosis treatment is used to recondition the water for reuse as lixiviant for continued mining. When mining is complete, the groundwater in the production zone of each production area must be restored according to the requirements of a TCEQ-issued Production Area Authorization (PAA). There have been three PAAs issued for the Kingsville Dome Mine. URI has notified the agency that it has

ceased mining and completed restoration efforts in all three production areas. URI would have to receive a new PAA from TCEQ before mining in any new production areas at the Kingsville Dome Mine can be authorized.

URI applied to the TCEQ for renewal of its Class III injection well area permit No. UR02827 in an application dated September 24, 2012. Because URI did not submit a renewal application before September 1, 2012, authorization to use injection wells for purposes of mining or recovering uranium at the Kingsville Dome Mine expired under 30 TAC § 331.7(g). Expiration of the authority to use the injection wells to recover uranium does not relieve URI from other obligations under the permit to restore groundwater and to plug and abandon wells. URI submitted an application dated December 12, 2012, for a major amendment of the permit to revive the authority to construct and operate injection wells for the mining of uranium. The renewal and major amendment applications were processed and reviewed together. URI subsequently revised its applications to amend the permit range table to include pre-mining groundwater information from wells in Production Area 3 and to revise well plugging methods in the closure plan. The Executive Director completed technical review of the applications and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate.

Procedural Background

Both Applications were declared administratively complete on March 22, 2013. The Notice of Receipt of Applications and Intent to Obtain Renewal and Major Amendment of Class III Injection Well Area Permit was issued on March 22, 2013 and published on July 7, 2013, in the *Kingsville Record and Bishop News*. The ED completed the technical review of the Applications on March 4, 2015, and prepared a draft permit. The Notice of Applications and Preliminary Decision for Renewed and Amended Class III Injection well permit was issued on March 4, 2015, and was published on April 8, 2015 in the *Kingsville Record and Bishop News* and on April 24, 2015, in the *Corpus Christi Caller Times*. The comment period for these Applications closed on May 26, 2015. These Applications were administratively complete on or after September 1, 1999; therefore, these Applications are subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

Access to Rules, Laws and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- to access the Secretary of State website: www.sos.state.tx.us;
- for TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select "TAC Viewer" on the right, then "Title 30 Environmental Quality");
- for Texas statutes: www.statutes.legis.state.tx.us;

- to access the TCEQ website: www.tceq.texas.gov/ (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules, Policy, & Legislation," then "Rules and Rulemaking," then "Download TCEQ Rules");
- for Federal rules in Title 40 of the Code of Federal Regulations: http://www2.epa.gov/laws-regulations/regulations; and
- for Federal environmental laws: www.epa.gov/epahome/laws.htm.

The permit renewal and amendment Applications, Executive Director's Preliminary Decision, and Draft Permit Amendment are available for viewing and copying at the Kleberg County Clerk's Offices at the Kleberg County Courthouse on 700 E. Kleberg Avenue, Kingsville, Texas 78363.

COMMENTS AND RESPONSES

COMMENT No. 1:

Mr. Saenz commented that URI has contaminated Water Well 24 located in the Garcia Hill area in Kleberg County northwest of URI's Production Area 3 at the Kingsville Dome Mine.

RESPONSE No. 1:

The Executive Director is not able to conclude that URI's activities have contaminated Water Well 24. Water Well 24 (a well designation provided in URI's application) is a privately-owned water well located in the Garcia Hill area immediately northwest of URI's permitted area. The well is situated approximately 300 feet from URI's permit boundary and 800 feet from URI's nearest monitor well, MW-86 (*See* Draft Permit No. UR02827, p. 14, Mine Area Map, northwest corner). Water Well 24 does not currently provide water for human consumption. Water Well 24 feeds water to a small pressurized tank and also feeds water to a larger concrete storage tank. The exact layout and condition of piping, connections, and valves interconnecting Water Well 24, the small pressurized tank, the large concrete storage tank, and water lines from the Ricardo Water Supply System are unknown to the Executive Director's staff. Although TCEQ staff cannot verify the source of water in either tank, it is possible that the small pressurized tank and the large concrete storage tank receive water from Water Well 24, receive water from the Ricardo Water Supply System lines and previously received water from Water Well 25 (out of service since 2005). The blended water from the small pressurized tank and from the large concrete storage tank is used for irrigation.

The comment submitted in response to URI's permit applications relates to a recent environmental complaint submitted to TCEQ and an investigation undertaken by the Executive Director's staff. A formal investigation report will be produced by Executive Director's staff as a separate document according to complaint investigation procedures. The Executive Director's staff conducted a field investigation at the Garcia Hill area and

URI's facility to assess whether URI's operations have caused contamination of offsite groundwater. The investigation reviewed URI records, reviewed geologic and hydrologic information, reviewed well logs, conducted radiation surveys and took water samples from the pressurized tank and from URI monitor wells. TCEQ staff was unable to take a water sample directly from Water Well 24 because of the condition of the well and its pump at the time of the investigation. Because of the well's condition, staff believes that recent samples have not been taken directly from Water Well 24. Water samples have been taken directly from the small pressurized tank and the concrete storage tank, and the Executive Director believes that Mr. Saenz is referring to water samples that were taken from the small pressurized tank. Mr. Saenz reports uranium concentrations exceeding 1,000 µg/l (1.0 mg/l). The Executive Director's staff collected a sample from the small pressurized tank with a uranium concentration of 0.111 mg/l in 2014. Uranium concentrations in water samples from the small pressurized tank and the concrete storage tank have exceeded the maximum concentration limit (MCL) of 0.030 mg/l required for public water systems that provide drinking water for human consumption. However, the Executive Director's staff is not able to link elevated uranium concentration in water from the pressurized tank or the storage tank to URI's activities.

While concentrations of uranium in the water from the small pressurized tank and the concrete storage tank have, at times, exceeded the MCL for uranium, the concentrations are not at levels to suggest the presence of URI's mining solutions. A sample analysis of groundwater containing URI's mining-leaching solution from 1998 recorded a uranium concentration of 116 mg/l. The uranium control parameter upper limit used to indicate excursion of mining solutions in URI's production zone monitor wells for Production Area 3 is 6.54 mg/l. URI has not conducted uranium mining activities in Production Area 3 since 2009. URI has conducted groundwater restoration operations for the production zone in Production Area 3. URI is required to maintain a bleed which would draw groundwater toward URI's production area. No excursions in the monitor wells have been reported to TCEQ. As part of the investigation, the Executive Director's staff took samples from URI monitor wells, AA-24, AA-25, AA-30, MW-78, MW-84, MW-85 and MW-86, and the concentrations do not indicate excursion levels. Because the monitor wells are situated between the production area and the Garcia Hill area, the Executive Director has found no indication that mining solutions have migrated from URI's production area and contaminated groundwater in Garcia Hill.

In addition, the TCEQ has previously addressed issues concerning elevated levels of uranium and radioactivity in water wells in the Garcia Hill area north of URI's area permit boundary. In 2004, the TCEQ and the United States Environmental Protection Agency sent letters to the owners and users of water wells in the Garcia Hill area. The water in these wells had concentrations of uranium and gross alpha radiation that exceeded maximum concentration levels required for public drinking water systems. Although the wells were private water wells and not used to service a public water system, both TCEQ and EPA recommended that the water from those wells not be used for drinking water. At the time of those letters, TCEQ staff confirmed that drinking

water for human consumption was being provided by a public water system and not from the water wells in the Garcia Hill area.

In a TCEQ contested case hearing on URI's application for Production Area 3, the issue of elevated uranium concentrations in the Garcia Hill water wells was litigated. (TCEQ Docket Nos. 1997-1063-UIC and 2004-0746-UIC; SOAH Docket No. 582-05-1552). Despite the claims of some of the protesting parties in the hearing, there was no scientific evidence in the record to suggest that elevated levels of uranium or radioactivity in the Garcia Hill water wells were attributable to URI's activities. Evidence in the hearing record did indicate that natural uranium ore continues northward past URI's permit boundary and lies directly underneath the Garcia Hill area and that uranium and alpha radiation occur naturally in the water.

Based on the complaint investigation and review of historic information, the Executive Director is not able to conclude that URI's activities have contaminated Water Well 24 in the Garcia Hill area.

CHANGES MADE IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard Hyde, P.E., Executive Director

Robert Martinez, Director
Environmental Law Division

By Don Redmond

Don Redmond, Attorney
Environmental Law Division
State Bar No. 24010336
P. O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: 512.239.0600

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Attachment E

AREA PERMIT NO. UR02827
Kingsville Dome *In-Situ* Uranium Mine

This permit supersedes and replaces
UR02827 issued January 11, 1990

Texas Commission on Environmental Quality

Austin, Texas

AREA PERMIT to construct and operate
Class III underground injection wells for
In-Situ recovery of uranium and aquifer
restoration under Chapter 27 Texas Water Code

I. Permittee: URI, Inc.
6950 S. Potomac Street
Suite 300
Centennial, CO 80112

II. Type of Permit: Initial _____ Amended ___X___ Renewal ___X___

III. Nature of Business: *In-situ* Uranium Mining

IV. General Description and Location of Injection Activity

The Kingsville Dome *In-Situ* Uranium Mine (Attachment 1) is in Kleberg County approximately 8 miles southeast of the City of Kingsville. The site is accessible on FM 1118, 4 miles east of the town of Ricardo. The permit area is a total of 2,135 acres contained within Blocks 41, 42, 48, 49, 50, 54 and 55 (Attachment 2). Within this leased area there are three existing and two future production areas (Attachment 3A). The production zone is a portion of the upper Goliad Sandstone. The production zone is 460 to 850 feet below ground level (420 to 810 feet below sea level). Ground level is approximately 40 feet above sea level.

The mining process requires the coordinated injection and production of fluids through a pattern of multiple injection and production wells. A mining solution comprising native groundwater, carbon dioxide and oxygen will be injected into the uranium bearing

CONTINUED on Pages 2 through 16

The permittee is authorized to conduct injection activity in accordance with limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the commission, and the laws of the State of Texas. The permit will be in effect for ten years from the date of approval or until amended or revoked by the commission. If this permit is appealed and the permittee does not commence any action authorized by this permit during judicial review, the term will not begin until judicial review is concluded.

ISSUED DATE:

_____
For The Commission

formation through multiple injection wells to oxidize and dissolve some of the uranium. The water containing the dissolved uranium will be extracted by a pattern of recovery wells, from which the solution will be piped to the processing plant, where the uranium will be extracted from the water by an ion exchange system. The fluid is reconstituted to its prior condition and recycled to a pattern of injection wells for re-injection.

V. Standard Provisions

A. Production Area Authorization (PAA)

1. Mining in a production area within the permit area requires a PAA from the Texas Commission on Environmental Quality (TCEQ). Mining shall not begin until the PAA is obtained.

2. Each PAA shall include an updated Mine Plan (Attachment 3B) and be in accordance with 30 TAC §305.155.

3. No Restoration Table Value in a PAA issued under the terms of this permit may exceed the High value for that parameter in the Permit Range Table (Attachment 4).

B. Mechanical Integrity

1. In compliance with 30 TAC §§331.43(d), 331.82, 331.85(c), and as specified in the application, proof of mechanical integrity for all Class III wells shall be demonstrated by well completion (cementing) records and by a pressure test. Information required to demonstrate mechanical integrity shall be reported to the executive director before injection of mining solutions.

2. A pressure test shall also be conducted each time a tool that could affect mechanical integrity is run into the well in accordance with 30 TAC §331.82(c)(2).

C. Operating Requirements

1. Mining solutions shall be confined to the production zone within the area of designated production zone monitor wells in accordance with 30 TAC §331.102. This shall be accomplished in each production area by a rate of withdrawal of water which exceeds the rate of injection of water.

2. Monitor wells shall be positioned to provide horizontal and vertical surveillance of groundwater quality to monitor confinement of the mining solutions in accordance with 30 TAC §§331.82(g) and 331.103.

3. Before making any modification in the composition of the mining solutions from that described in the application incorporated by Provision VIII.B., the permittee shall provide adequate descriptive information and obtain authorization by permit amendment or modification.

4. A mining solution consisting of non-ammonia and alkaline leaching solutions, oxidants and native groundwater, shall be used at all production areas.

5. Discharge of fluids into or adjacent to any water in the State is not authorized by this permit.

D. Wellhead Pressure

1. Pressure gauges shall be installed, easily readable, and maintained in working condition on all injection wells or on the injection manifold with the maximum allowable injection pressure clearly marked on each gauge.

2. Wellhead pressures shall be limited to minimize the possibility of leakage from the production zone into the non-production zones. Injection pressures shall not exceed 0.40 psi per foot of well depth or the internal yield pressure of the casing.

E. Monitoring Parameter Upper Limits

1. Chloride, conductivity, and uranium shall be used as control parameters in monitoring for excursions of mining solutions from each production area. Upper limit concentrations which indicate the presence of an excursion shall be calculated for the production and non-production zones by adding 25% (for chloride and conductivity) and 5 mg/L (for uranium) to the maximum values determined in the sampling of the production zone wells and non-production zone wells for each production area.

2. In the event of an excursion, as defined in provision V.G.2. of this permit and in 30 TAC §331.2, in addition to sampling for the monitoring parameters identified in Provision V.E.1 of this permit, the permittee shall provide for each affected well a one-time groundwater analysis in accordance with the requirements of 30 TAC §331.106(2). Sampling shall be in accordance with provision V.F.1.

F. Sampling, Preservation, Analysis and Quality Control

1. To obtain a valid sample, during completion each well shall be pumped until the water is free of mud and foreign material and until conductivity and pH are reasonably constant. As samples are taken during baseline, routine, and restoration sampling, the sampling method, as described in the application or subsequent amendments, shall assure that the water sampled is formation water. Excess water pumped from the Class III wells, baseline wells, or monitor wells containing mining solutions shall not be discharged into or adjacent to any water in the State.

a. Sample preservation, analysis and analytical quality control shall be as defined in the most recent issue of Methods for Chemical Analysis of Water and Wastes (EPA - Technology Transfer). Total Dissolved Solids shall be determined by evaporation at 180°C. The permittee shall have a Quality Assurance/Quality Control program consistent with the TCEQ's "Quality Assurance Project Plan for Environmental Monitoring and Measurement Activities Relating to the Resource Conservation Recovery Act and Underground Injection Control" (TCEQ QAPP).

b. Any other method not specified in the referenced EPA document and TCEQ QAPP shall be approved by the executive director before it can be used.

2. The permittee shall notify the TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 of intent to collect samples for baseline, stability, or final closing of each PAA at least two weeks before sample collection to allow the staff an opportunity to split samples for confirming analysis.

G. Monitoring and Reporting Requirements

1. Routine Mining Operations

a. Water samples shall be taken in accordance with 30 TAC §331.84(c) from all monitor wells for production areas in which mining solutions have been introduced, and shall be analyzed for the control parameters identified in Section V.E. of this permit and 30 TAC §331.105(1) and (2). This monitoring program shall be continued for each subject production area until the TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 and the Radioactive Materials Division, Underground Injection Control Permits Section, Mail Code 233, P.O. Box 13087, Austin, TX 78711-3087 are officially notified that restoration has commenced.

b. As required by 30 TAC §331.85(e), routine monitoring data shall be reported at least quarterly to the TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 on a form provided by the executive director, in accordance with the form completion instructions and postmarked no later than the 10th day of the following reporting period.

c. The permittee shall retain in an organized fashion and furnish to the TCEQ's representative, upon request, records of all monitoring information, copies of all reports and records required by this permit, for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. In accordance with the requirement of 30 TAC §305.157, the permittee shall retain all records concerning the nature and composition of the injected fluids until 3 years after completion of plugging and abandonment procedures for any wells.

d. In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the permittee shall maintain at the permitted mining site all data from monitoring and testing, inspections, and other records required by the provisions of 30 TAC Chapters 305 and 331 and the permit. These records will be made available to representatives of the TCEQ upon request.

e. The permittee shall keep records throughout the term of the permit of data used to complete the final application, any supplemental information, and a copy of the issued area permit and PAAs. All copies of the renewals, amendments, revisions, and modifications must also be kept at the facility such that the most current documents are available for inspection at all times.

f. All materials, including any related information submitted to complete the application shall be retained, not just those materials which have been incorporated into the permit as required by 30 TAC §305.47.

2. Excursions

a. An excursion (defined by 30 TAC §331.2 as the movement of mining solutions into a designated monitor well) is indicated by the sampled concentration of any control parameter identified in Section V.E.1. of this permit being equal to or above the upper limit established for the applicable PAA. Within two days of detecting an apparent excursion, the permittee shall repeat the sampling and complete a verifying analysis of the samples taken from each apparently affected well in accordance with 30 TAC §331.105(3).

b. If the verifying analysis confirms the existence of an excursion, the permittee shall notify TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 by the next working day by telephone and by letter postmarked within 48 hours of identification of the excursion. The notification must identify the affected monitor well and the control parameter concentrations.

c. While mining solutions are present in a designated monitor well, the permittee shall conduct sampling and analysis of each affected well at a frequency of at least two times per week in accordance with 30 TAC §331.105(4).

d. Reporting for wells on excursion shall be monthly according to 30 TAC §331.85(f). Parameters analyzed and reported during periods of excursions shall consist of the control parameters specified in Provision V.E.1. of this permit.

3. Restoration

a. The executive director shall be notified in accordance with the requirements of 30 TAC §331.107(b) when mining operations have ceased within a given production area. The permittee shall commence groundwater restoration in accordance with the requirements of 30 TAC §331.107(a).

b. During restoration, monitor wells shall be sampled quarterly for control parameters to detect excursions. Monitor well(s) on excursion shall be sampled twice a week in accordance with the requirements of 30 TAC §331.105(3)(4).

During restoration, baseline wells in a production area shall be sampled quarterly and analyzed for all parameters provided in the Restoration Table for the applicable Production Area Authorization in accordance with 30 TAC §331.107 (d). The permittee may select other wells in a production area for additional sampling for certain parameters.

c. When the permittee determines that constituents in the aquifer have been restored to the values in the restoration table, the restoration shall be demonstrated by the first round of stability sampling. A minimum of three (3) sets of samples, taken at a minimum of 30-day intervals, shall be reported to the executive director over a period of one calendar year between cessation of restoration operations and the final set of stability in accordance with 30 TAC §331.107 (f).

d. Beginning six months after the date of initiation of restoration of a production area, the permittee shall provide to the TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 and the Radioactive Materials Division, Underground Injection Control Permits Section, Mail Code 233, P.O. Box 13087, Austin, TX 78711-3087 semi-annual restoration progress reports until restoration is accomplished for the mine area.

4. Annual Report

By January 31st of each year, the permittee shall submit to the Underground Injection Control Permits Section, Mail Code 233, P.O. Box 13087, Austin, TX 78711-3087 an annual report. The annual report shall include:

a. For injection wells, production wells, baseline wells, and monitor wells authorized under the Class III area permit and component production area authorizations, the number and identity of wells plugged and wells constructed during the report period, and the total number of unplugged wells at the time of report;

b. A revised calculation of plugging cost for unplugged wells as specified in subsection V.H.4. of this permit;

c. An updated map and tabulation of newly constructed or newly discovered artificial penetrations of the subsurface within the area of review, and for such penetrations, assessment of need for corrective action under 30 TAC §331.44; and

d. An updated mine plan indicating the estimated schedule of the sequence and timing for mining and aquifer restoration in each production area authorization.

e. An updated cost estimate for groundwater restoration.

H. Plugging and Abandonment

1. Any wells not associated with final restoration, at any time, shall be plugged in accordance with 30 TAC §331.46. Within 120 days of completion of final restoration of each PAA, all wells shall be plugged unless revisions of the time requirements are approved by the executive director under 30 TAC §331.86(a).

2. The permittee shall notify the executive director in writing at least two weeks before commencing plugging and abandonment. The executive director may approve exceptions to this requirement where protection of underground sources of drinking water and fresh water may require plugging and abandoning a well in a shorter period of time.

3. Plugging and abandonment shall be accomplished according to the plans and specifications submitted in the application identified in Provisions VIII.B and V.H.4. Any revised, updated or additional plugging and abandonment plans shall be approved by the executive director through the permit amendment or modification process.

4. The wells shall be plugged by the following procedure developed from the applicant's plugging and abandonment plan submitted as part of the permit application, or by an alternate procedure complying with 30 TAC §§331.46 and 331.86 and approved through the permit amendment process under 30 TAC §305.62 or the permit minor modification process under 30 TAC §305.72:

   a. A bentonite-cement mixture at approximately 9.40 lbs/gallon slurry weight and not less than 9.10 lbs/gallon shall be set from the bottom of the well to a level not greater than 5 feet below ground level;

   b. A minimum two-foot cement top plug shall be set in the casing to seal the well near the surface; and

   c. The well casing shall be cut off at a depth of at least three feet below ground level. To provide opportunity for inspection of the surface plug, the Underground Injection Control Permits Section, Mail Code 233, P.O. Box 13087, Austin, TX 78711-3087 shall be notified a minimum of two weeks before backfilling the excavation with soil to natural grade.

5. Within 30 days after completion of well closure (plugging), a closure report shall be filed with the Underground Injection Control Permits Section, Mail Code 233, P.O. Box 13087, Austin, TX 78711-3087 in accordance with 30 TAC §331.46(n).

VI. Radioactive Materials License

The permittee shall have a valid license(s) from the TCEQ covering the handling and processing of radioactive materials for this facility, prior to mining for the recovery of uranium. The primary and supporting production/processing facilities, along with supplies and materials used by or resulting from these facilities, are to be installed, operated, maintained and handled in accordance with the plans, specifications, and descriptions submitted as part of the application for commission licensing in order to prevent spills, discharges, or dispersion of any materials, directly or indirectly, to surface or ground waters.

VII. Financial Assurance

A. The permittee shall secure and maintain in full force and effect at all times an acceptable financial assurance mechanism, following 30 TAC §§331.142 - 331.144 to provide for plugging and abandonment of the permitted Class III wells, baseline wells, and monitoring wells.

B. The amount of financial assurance shall be updated annually for all PAAs to provide for adequate plugging subject to prevailing general economic conditions.

C. This permit does not authorize underground injection of fluid unless the permittee has in effect an acceptable financial assurance mechanism as described above. Financial assurance for plugging and abandonment shall be submitted at least 60 days prior to commencement of drilling operations in each PAA and be effective before drilling begins in accordance with 30 TAC §37.7021(c).

D. To obtain release of financial assurance, an independent professional engineer or professional geologist licensed in Texas shall certify that plugging and abandonment has been accomplished in accordance with the permittee's plugging and abandonment plan in accordance with 30 TAC §331.144.

VIII. Additional Provisions

A. The following rules are incorporated as terms and conditions of this permit by reference:

1. Financial Assurance of Underground Injection Control Wells
   30 TAC Chapter 37 Subchapter Q

2. Consolidated Permits
   30 TAC Chapter 305 Subchapters A, C, F, and H; and

3. Underground Injection Control
   30 TAC Chapter 331 Subchapters A, C, E, F, G, and I.

B. This permit is based on, and the permittee shall follow the plans and specifications dated September 24, 2012, as revised on December 12, 2012, February 15, 2013, May 17, 2013, February 5, 2014 and January 26, 2015 which are hereby approved subject to the terms of this permit and any other orders of the TCEQ. These materials are incorporated into this permit by reference as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the commission.

C. Acceptance of this permit by the permittee constitutes an acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the commission in accordance with 30 TAC §305.124.

D. This permit is subject to further orders and rules of the commission. In accordance with the procedures for amendments and orders, the commission may incorporate into permits already granted, any condition, restriction, limitation, or provision reasonably necessary for the administration and enforcement of Texas Water Code Chapters 27. Additionally, the permittee has a duty to comply with the following permit conditions:

1. Modification of Permitted Wells, Operational Methods, and Related Specifications

   The wells and operational methods authorized are limited to those described herein and by the application submittals. All wells and operational methods are subject to the terms and conditions of this permit and TCEQ rules. Prior to constructing or operating any wells in a manner which differs from either the related plans and specifications contained in the permit application or the limitations, terms, or conditions of this permit, the permittee must comply with the TCEQ permit amendment rules as provided in 30 TAC §305.62 or minor modification rules as provided in 30 TAC §305.72.

2. Definitions

   For purposes of this permit, terms used herein shall have the same meaning as those in 30 TAC Chapters 3, 37, 305, and 331 unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

3. Permit Expiration

   In order to continue a permitted activity after the expiration date of the permit the permittee shall submit a new permit application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the executive director in accordance with 30 TAC §305.65. Authorization to continue such activity will terminate upon the effective denial of said application.

E. This permit does not convey any property rights of any sort, nor any exclusive privilege, and does not become a vested right in the permittee in accordance with 30 TAC §§305.122(c) and 305.125(16).

F. The issuance of this permit does not authorize any injury to persons or property or an invasion of other property rights, or any infringement of state or local law or regulations in accordance with 30 TAC §305.122(d).

G. In the event of conflict between the application, permit, rules, and statutory requirements the most stringent requirement shall apply in accordance with 30 TAC §305.154(a).

IX. Special Provisions

A. Coincident with sampling, production and non-production zone monitor wells shall be visually inspected to assure that they are capped and intact, and except during restoration, monitor wells shall also be visually inspected a second time during the calendar quarter at a time selected by the permittee. Broken, cracked, or loose monitor wells casings shall be repaired immediately. Records for inspection and repair of all monitor wells shall be maintained at the site for review by the Executive Director.

B. Any injection in a new production area for purposes of mining or recovery of uranium under this permit will require a new Production Area Authorization. Any injection in Production Area 3 for purposes of mining or recovery of uranium may require amendment to Production Area Authorization UR02827PAA3, including amendment of baseline water quality values, restoration values, control parameter upper limits, and installation of new and additional monitor wells, as determined by the executive director.

C. Wastewater Ponds

1. All wastewater ponds except those described in IX.C.3. below shall be lined with a minimum 30 mil thick chlorinated polyethylene liner or equivalent approved lining, and constructed with an underdrain leak detection system in accordance with the plans and specifications contained in the Permit Application. The leak detection system shall be monitored weekly. A minimum of two feet of freeboard shall be maintained in all ponds during normal operations. A minimum of one foot of freeboard may be maintained during emergency periods such as high rainfall, for a period not to exceed 14 days. An easily readable freeboard gauge shall be installed and maintained for each pond. The TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 shall be notified immediately when the freeboard decreases to less than two feet.

2. If any leaks are detected in the pond liner, the TCEQ Office of Compliance and Enforcement, Critical Infrastructure Division, Mail Code 177, P.O. Box 13087, Austin, TX 78711-3087 shall be notified immediately. The pond fluids will be evacuated as soon as practicable to another approved location and the leak repaired. A determination of the extent of any subsurface contamination shall be made and a report submitted to the Executive Director within 14 days after the leak is detected. The report shall also contain the company's plan for corrective action.

3. All ponds used for wastewater storage prior to injection down a waste disposal well shall be subject to the terms and conditions of the disposal well permit.

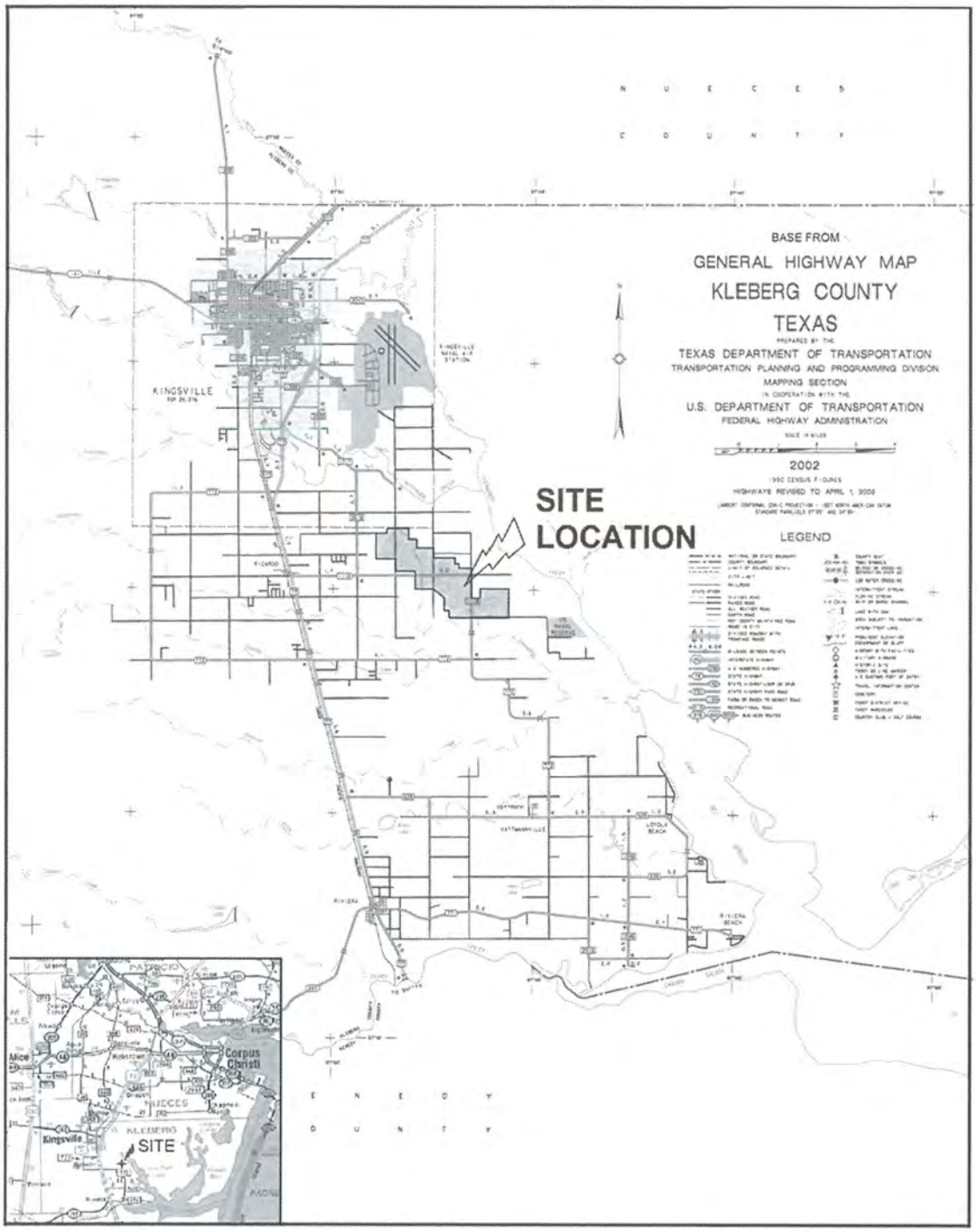
D. During the full-scale restoration at this site, the permittee shall use reverse osmosis (R.O.) treatment of ground water from the mine zone aquifer in accordance with the plans outlined in the technical report submitted as part of the application.

E. Waste water produced from the reject side of the R.O. unit, less that amount of water constituting the bleed streams, shall be replaced by an equal amount of makeup water purchased for that purpose. Prior to the purchased water being injected into the mine zone, it will be commingled with the R.O. product and mine zone water.

F. Waste streams and reject restoration fluids will be disposed of down a Commission approved Class I waste disposal well. The permittee must comply with all terms and conditions of the waste disposal well permit.

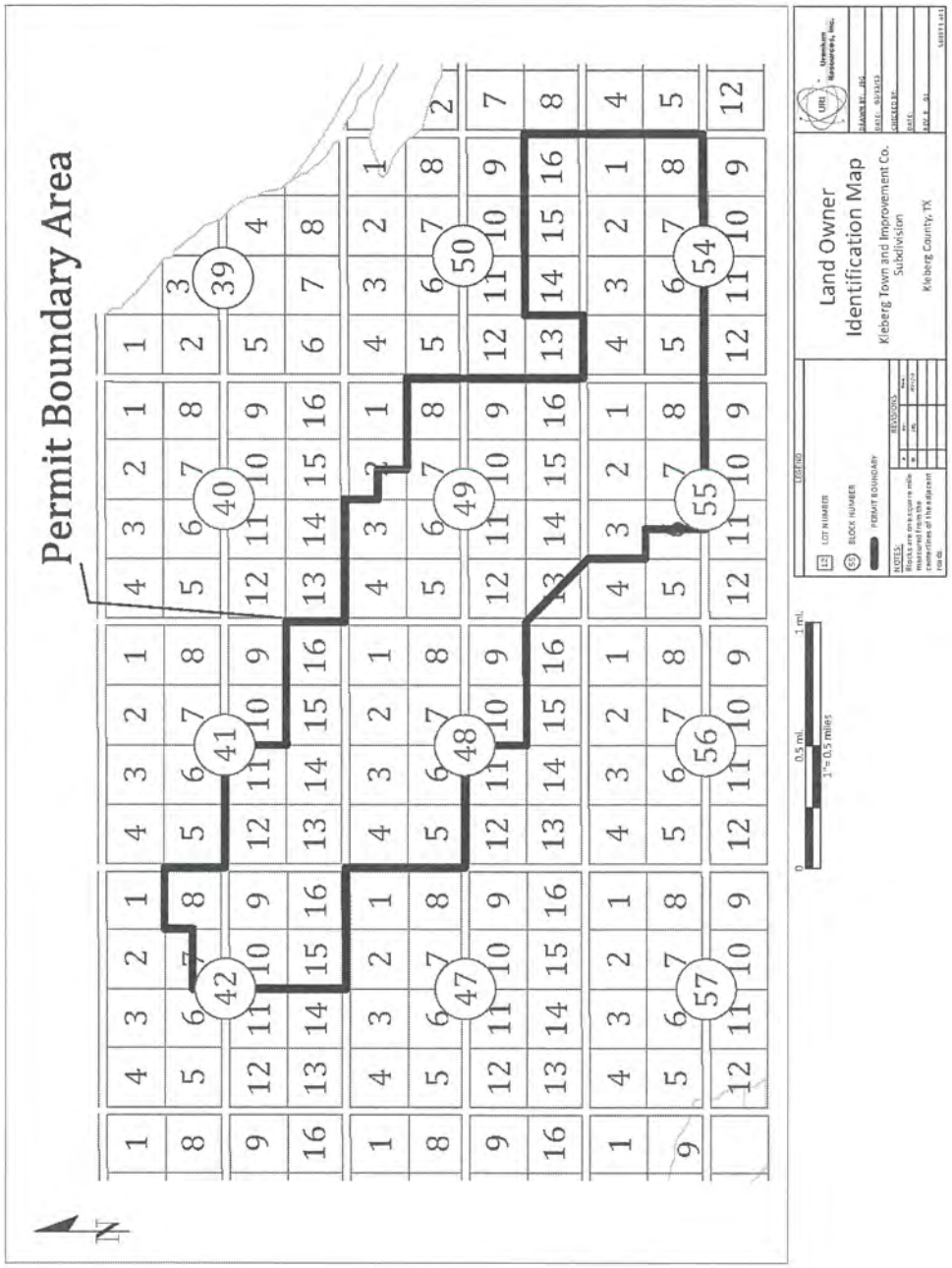
ATTACHMENT 1

MINE LOCATION MAP



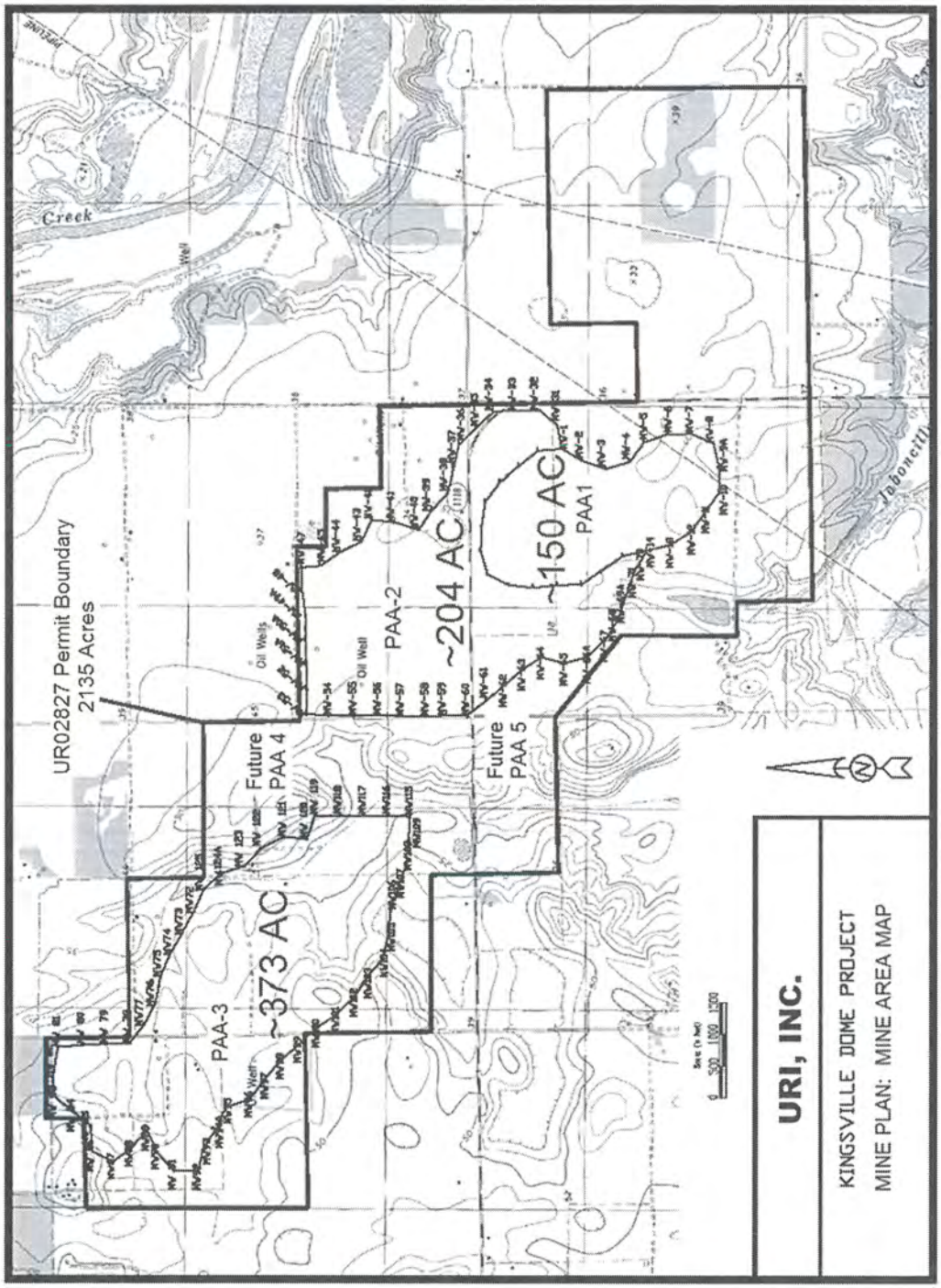
ATTACHMENT 2

PERMIT BOUNDARY MAP



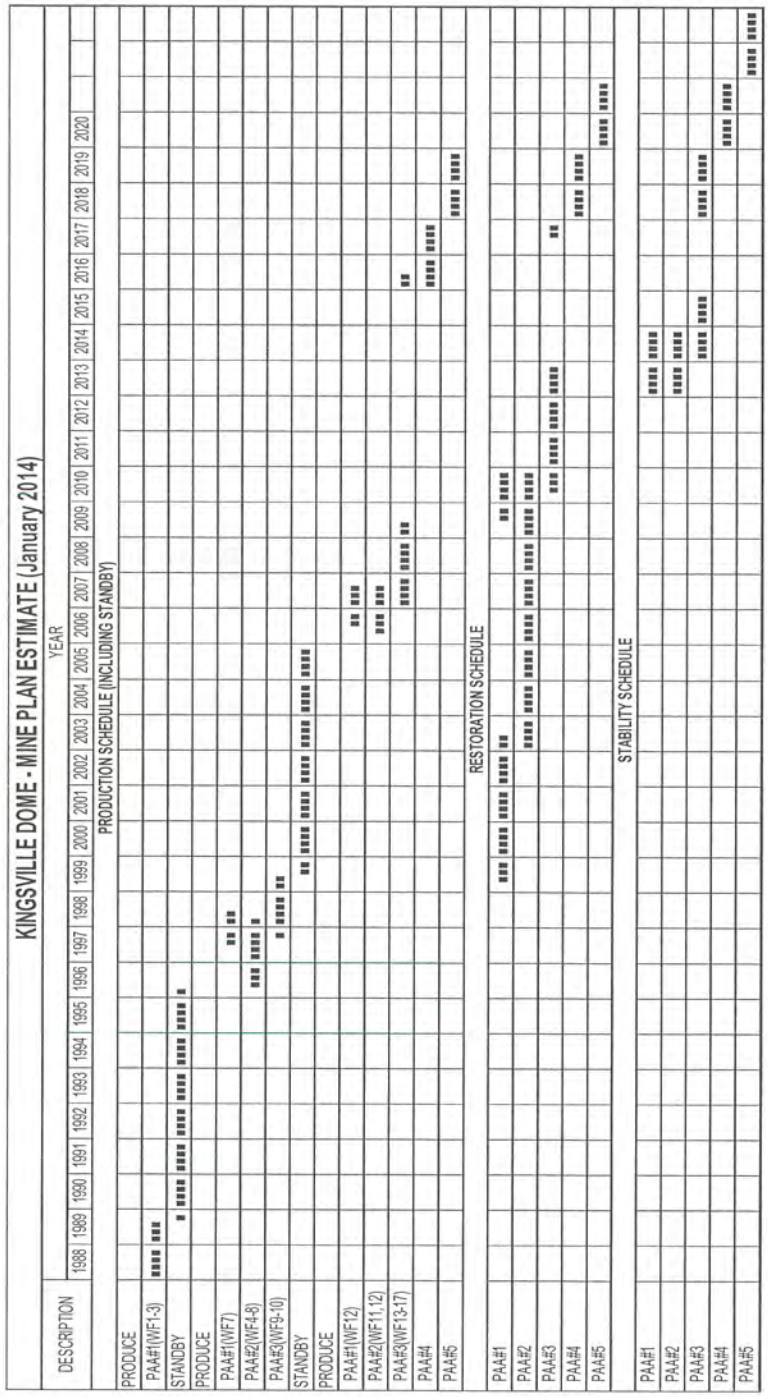
ATTACHMENT 3A

MINE PLAN: MINE AREA MAP



ATTACHMENT 3B

MINE PLAN: ESTIMATED SCHEDULE FOR MINING AND RESTORATION



ATTACHMENT 4

PERMIT RANGE TABLE
PAAs 1, 2 and 3

Parameter	*Unit*	*Low*	*High*
Calcium	mg/l	5.15	99
Magnesium	mg/l	1.5	16
Sodium	mg/l	296	525
Potassium	mg/l	4.72	31
Carbonate	mg/l	0	71
Bicarbonate	mg/l	110	505
Sulfate	mg/l	13	557
Chloride	mg/l	196	443
Nitrate	mg/l	0	5.8
Fluoride	mg/l	0.47	1.1
Silica	mg/l	9.1	34
TDS	mg/l	880	1570
Conductivity	µMhos	1490	2820
Alkalinity	mg/l	93	444
pH	-	7.3	9.57
Arsenic	mg/l	<0.0001	0.029
Cadmium	mg/l	<0.0001	0.03
Iron	mg/l	<0.01	0.26
Lead	mg/l	<0.0001	0.034
Manganese	mg/l	<0.001	0.172
Mercury	mg/l	<0.0001	0.01
Molybdenum.	mg/l	<0.01	3.5
Selenium	mg/l	<0.001	0.072
Uranium	mg/l	0	3.75
Ammonia	mg/l	<0.01	13
Ra226	pCi/l	0.01	202

MAILING LIST
URI, INC.
DOCKET NO. 2015-1268-UIC; PERMIT NO. UR02827

FOR THE APPLICANT:
via First Class Mail:

Dain McCoig, Vice President
South Texas Operations
URI, Inc.
641 East FM 1118
Kingsville, Texas 78363-2628
Tel: (361) 595-5731
Fax: (361) 595-0403

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Don Redmond, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Frederick Duffy, Technical Staff
Texas Commission on Environmental Quality
Radioactive Materials Division, MC-233
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6891
Fax: (512) 239-6464

Brian Christian, Director
Texas Commission on Environmental Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-5678

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic McWherter, Public Interest Counsel Texas
Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
via electronic filing:

Bridget C. Bohac
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER(S)/INTERESTED PERSON(S):
via First Class Mail:

See attached list.

REQUESTER/S

CANDELARIO Q BENAVENTE
383 N COUNTY ROAD 1070
KINGSVILLE TX 78363-8851

HERACLIO BENAVENTE
381 N COUNTY ROAD 1070
KINGSVILLE TX 78363-8851

MARIA DEL ROSARIO BENAVENTE
383 N COUNTY ROAD 1070
KINGSVILLE TX 78363-8851

SABINA BENAVENTE
381 N COUNTY ROAD 1070
KINGSVILLE TX 78363-8851

MARIE BIPPERT
679 E COUNTY ROAD 2160
KINGSVILLE TX 78363-2625

WILL BIPPERT
679 E COUNTY ROAD 2160
KINGSVILLE TX 78363-2625

BRUCE C CUMBERLAND
11812 LINDEN GROVE DR
FORT WAYNE IN 46845-1961

DALE CUMBERLAND
1421 SLEEPY HOLLOW LN
NEW BRAUNFELS TX 78130-3341

ELIZABETH CUMBERLAND
761 MARTINDALE FALLS RD
MARTINDALE TX 78655-2530

ELIZABETH CUMBERLAND
PO BOX 537
MARTINDALE TX 78655-0537

ROBERT DE LA ROSA
706 E FM 1118
KINGSVILLE TX 78363-2633

ROLANDO DE LA ROSA
706 E FM 1118
KINGSVILLE TX 78363-2633

DAVID FREDERICK
LOWERRE, FREDERICK, PERALES,
ALLMON, & ROCKWELL
707 RIO GRANDE ST STE 200
AUSTIN TX 78701-2733

ARMANDO GARCIA
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

BETO GARCIA
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

BLANCA GARCIA
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

FERMAN GARZA
424 N FM 2619
KINGSVILLE TX 78363-8933

JEANETTE CUMBERLAND HIX
2213 BRUN ST
HOUSTON TX 77019-6507

NERIO MARTINEZ
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

OLGA MARTINEZ
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

DIANA B MEDINA
383 N COUNTY ROAD 1070
KINGSVILLE TX 78363-8851

RICHARD SCOTT MEDINA, SR
383 N COUNTY ROAD 1070
KINGSVILLE TX 78363-8851

CARLOS ORTEGON
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

CARLOS ORTEGON
426 GARCIA HILL RD
KINGSVILLE TX 78363-8902

DANIEL ORTEGON
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

NORMA GARZA ORTEGON
418 GARCIA HILL RD
KINGSVILLE TX 78363-8902

ALFONSO R RAMOS
2425 E FM 1717
KINGSVILLE TX 78363-8835

ELEUTERIO L SAENZ
148 E COUNTY ROAD 2170
KINGSVILLE TX 78363-2601

MARK M WALSH
3931 BOYD ST
KINGSVILLE TX 78363-7420

INTERESTED PERSON/S

NELDA M BASALDUA
PO BOX 1223
KINGSVILLE TX 78364-1223

JUAN M ESCOBAR KLEBERG COUNTY
PO BOX 752
KINGSVILLE TX 78364-0752

JUAN GONZALEZ, JR
213 W NETTIE AVE
KINGSVILLE TX 78363-3749

GENE M JONES
PO BOX A
KINGSVILLE TX 78364-1603

SAMMY MARTINEZ
123 FM 430
ENCINO TX 78353-6019

NINA C RAMOS
580 N COUNTY ROAD 1090
KINGSVILLE TX 78363-8841

GEORGE RICE
414 E FRENCH PL
SAN ANTONIO TX 78212-3723

BRAD ROCKWELL
LOWERRE, FREDERICK, PERALES,
ALLMON, & ROCKWELL
707 RIO GRANDE ST STE 200
AUSTIN TX 78701-2733

MRS JACQUALINE N SEXAUER
PO BOX 1606
LITCHFIELD PARK AZ 85340-1606

JAMES & JUDY TIMMERMAN
470 N COUNTY ROAD 1080
KINGSVILLE TX 78363-8846

JOSE EDUARDO TORRES
EPA REGION 6
1445 ROSS AVE STE 1200 6WQ-SG
DALLAS TX 75202-2750

UVALDO VELA
1169 E COUNTY ROAD 2360
RIVIERA TX 78379-3568