

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 27, 2026

TO: Persons on the Attached Mailing List

**RE: Docket No. 2026-0184-RAW
ConocoPhillips Company (Applicant)
Request(s) filed on Permit No. R01634**

The agenda setting letter referenced above, mailed on February 25, 2026, had the incorrect rule stated in the letter that govern the hearing request in this matter.

The letter incorrectly referred to procedures for evaluating hearing requests and requests for reconsideration in 30 Texas Administrative Code Chapter 55, Subchapter F (§§55.200-211).

The procedures for evaluating hearing requests for Docket No. 2026-0184-RAW are located in 30 Texas Administrative Code (TAC) Chapter 55, **Subchapter G (§§55.250-256)** of the commission's rules.

Should you have any questions, please contact Georgia Carroll-Warren of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3313.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis
Chief Clerk

LG/gcw

Enclosure

MAILING LIST
ConocoPhillips Company
TCEQ Docket No. 2026-0184-RAW; Permit No. R01634

FOR THE APPLICANT

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REQUESTER(S)/INTERESTED PERSON(S)

See attached list.

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via electronic mail:

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Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 25, 2026

TO: Persons on the Attached Mailing List

**RE: Docket No. 2026-0184-RAW
ConocoPhillips Company (Applicant)
Request(s) filed on Permit No. R01634**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **April 1, 2026**. The meeting will begin at **9:30 a.m.** The agenda meeting may be held in person in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on **March 9, 2026**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on **March 23, 2026**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list. If these individuals have provided an e-mail address, responses and replies may be sent via e-mail.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

Enclosures: Executive Director's Response to Public Comment
Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT

Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

TCEQ RADIOACTIVE MATERIAL LICENSE NO. R01634

APPLICATION BY CONOCOPHILLIPS COMPANY, FOR MAJOR AMENDMENT OF RADIOACTIVE MATERIAL LICENSE R01634	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by ConocoPhillips Company (ConocoPhillips, CPC, or applicant) for major amendment of Radioactive Material License No. R01634.

As required by Title 30 Texas Administrative Code (TAC) § 55.253, before an application is approved, the Executive Director prepares a response to all timely public comments. If you need more information about this license application or the licensing process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on our website at <http://www.tceq.texas.gov/>.

I. BACKGROUND

a. Description of Facilities

ConocoPhillips owns the Conquista Project, a former conventional uranium milling and processing site, licensed under TCEQ Radioactive Materials License No R01634, that is undergoing final closure. The Conquista Project includes a tailings impoundment and is located in Karnes County, eight miles west of Falls City, Texas, on FM Road 791. The Conquista Project site is an UMTRCA (Uranium Mill Tailings Radiation Control Act of 1978) Title II Disposal Site, which means that the site must be decommissioned by the licensee to standards established by TCEQ and the US Nuclear Regulatory Commission (NRC). The site will then be transferred to the United States Department of Energy for custody and long-term care.

ConocoPhillips has applied to the TCEQ for major amendment of Radioactive Material License No. R01634 to authorize the removal of contaminated materials from on-site, from an area on the FM 791 road -side adjacent to the Conquista Project site, and from the closed Slick-Wilcox site; construction of a supplemental disposal cell at the Conquista Project site for disposal of contaminated materials; and closure of the supplemental disposal cell. The Slick-Wilcox site is a closed former uranium processing pilot project located in Goliad and DeWitt Counties, approximately 7.5 miles southeast of Nordheim, Texas.

Radioactive Material License No. R01634 currently authorizes the possession and disposal of radioactive byproduct material at the Conquista Project, and establishes requirements for operations, radiation safety, decommissioning, closure, and financial assurance.

b. Procedural Background

This application is for major amendment of the existing license R01634. The initial application was dated November 20, 2014, and received by TCEQ on November 25, 2014. The application was revised on July 1, 2024, and December 2, 2024.

A Notice of Declaration of Administrative Completeness was issued on May 18, 2015. The Notice of Declaration of Administrative Completeness was published on June 10, 2015, in the *Karnes Countrywide*, *The Cuero Record*, and on June 11, 2015, in the *Goliad Advance Guard*. A Notice of Completion of Technical Review was issued on February 25, 2025. A Revised Notice of Completion of Technical Review was issued on March 25, 2025, and published on May 8, 15, 22, 29, and June 5, 2025, in the *Karnes Countrywide*, *The Cuero Record*, and the *Goliad Advance Guard*.

A public meeting in Falls City was held on this application on September 22, 2025, at the request of State Representative AJ Louderback. The public comment period ended on September 22, 2025, at the conclusion of that meeting.

Attachment 1 shows the commenters on this application. Their comments are organized by topic and addressed below.

This application is not subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and is not subject to the procedural requirements adopted pursuant to Senate Bill 709, 84th Legislature, 2015.

II. Access to Rules, Laws and Records

- The Commission's rules may be accessed online by using the Texas Administrative Code (TAC) viewer feature on the Texas Secretary of State website at: <http://www.sos.state.tx.us>
(Select "Texas Administrative Code" under the "Rules and Meetings" menu. Title 30 is the code applicable to the TCEQ.)
- Texas statutes may be accessed at: <http://www.statutes.legis.state.tx.us/> (Texas Health and Safety Code, Chapter 401 applies to radioactive materials.)
- General information about the TCEQ can be found at our website at: <http://www.tceq.texas.gov/>
- Federal regulations may be accessed through the United States Nuclear Regulatory Commission (NRC) website at: <http://www.nrc.gov>

The draft license, any comments received, this Response, and any other communications made during the review of this application are/will be contained in the public file located in the TCEQ Office of the Chief Clerk and may be reviewed or copied during regular business hours at the Office of the Chief Clerk, Building F, 1200 Park 35 Circle, Austin, Texas, 78753. A copy of the application and draft license were made available for review and copying at the Karnes City Public Library, 302 S. Panna Maria Ave., Karnes City TX 78118; Falls City Public Library; 206 N. Irvin Street, Falls City, TX 78113; Goliad County Library, 320 S. Commercial, Goliad TX 77963; and the Cuero Municipal Library, 207 E. Main Street, Cuero TX 77954; and should remain there until the TCEQ acts on the application.

If you would like to file an environmental complaint, you may contact the Agency at 888777-3186 or you may contact the TCEQ Region 13 (San Antonio Region) at phone number 210-490-3096 for the Conquista Project in Karnes County or TCEQ Region 14 (Corpus Christi Region) office at 500 North Shoreline Blvd., Suite 500, Corpus Christi, Texas, 78401-0318, phone number 361-881-6900 for the Slick-Wilcox Site project in Goliad and DeWitt County.

III. COMMENTS AND RESPONSES

General Comments

COMMENT No. 1:

Bernadette Dziuk Diver and Nancy Puckett express general opposition to the application.

RESPONSE No. 1:

The Executive Director acknowledges these comments. TCEQ is conferred authority by the Texas legislature to regulate and license sites for the processing and disposal of by-product material consistent with applicable state and federal laws. The Executive Director is tasked with the responsibility of reviewing applications for licenses and license amendments and processing the applications consistent with the requirements of the applicable rules.

COMMENT No. 2:

Charles Balsler expresses comments and concerns about the prior activity and remedial actions conducted on the Slick-Wilcox and Conquista Project sites.

RESPONSE No. 2:

The Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, is the federal legislation that directs the closure and remediation of certain former uranium production facilities, like the Conquista Project. UMTRCA provides for safe and environmentally sound disposal, long-term stabilization, and control of uranium mill tailings. The State of Texas is an Agreement State under the federal Atomic Energy Act and implements a program for the control of radiation. TCEQ is the licensing agency for ConocoPhillips's Conquista Project, and previously, the Texas Department of State Health Services and Texas Department of Health were the licensing agencies for the Conquista Project. The applicable regulatory requirements for licensed uranium facilities such as the Conquista Project are contained principally in 30 TAC Chapter 336, Subchapter L *Licensing of Source Material Recovery and By-Product Material Disposal Facilities*. The Conquista Project is an UMTRCA "Title II Disposal Site," which means that the site must be decommissioned to standards established by TCEQ and the US Nuclear Regulatory Commission (NRC) before the site is transferred to the United States Department of Energy (DOE) for long-term custody.

The Slick-Wilcox site was a pilot uranium recovery plant to assess the viability of a full-scale facility to be built later at the Conquista Project site. The Slick-Wilcox site was issued a Texas Department of Health (TDH) license in July 1971 (pre-UMTRCA). Cleanup and closure activities there were conducted by the licensee (then Continental Oil Company) in 1972 in accordance with the cleanup standards in effect at that time. The Slick-Wilcox license was terminated in October 1975. In February 1992, the licensee was urged by the State to consider removing the waste material and placing it in the

Conquista Project site tailings impoundment. The rationale is that although the waste material at the Slick-Wilcox site was disposed of in a manner consistent with rules and regulations applicable in 1975, it would be more suitable for long-term stability in an UMTRCA disposal site.

The Slick-Wilcox material will be placed in a new supplemental cell. The supplemental cell will be constructed to the same protective standards as the current Conquista Project tailings impoundment. It will be built onto a gentle slope outside of the existing tailings impoundment and covered with four feet of compacted low-permeability clay soil that will serve as a radon/infiltration barrier and will include topsoil for vegetation.

When the NRC agrees that the remedial action is complete and accepts the site-specific Long-Term Surveillance Plan (LTSP) developed by the DOE, DOE will assume responsibility for the UMTRCA disposal site under a general NRC license for custody and long-term care.

Comments on the Slick-Wilcox Site

COMMENT No. 3:

Pecan Valley Groundwater Conservation District (PVGCD) requests proof that well 7912204 was properly plugged in accordance with Railroad Commission rules and requests proof that well 7912208 was properly plugged in accordance with Texas Department of Licensing and Regulation rules. If the wells were not properly plugged and abandoned, PVGCD requests the wells be plugged as part of the remediation activity of the Slick-Wilcox site.

RESPONSE No. 3:

There are two wells at the Slick-Wilcox site, wells 7912204 and 7912208. Well 7912204 was an oil and gas well drilled by Conoco, Inc., and then operated by Sue-Ann Production Company which plugged and abandoned the well. Well 7912208 is an old public water supply well drilled by Continental Oil for the Goliad Camp with a total depth of 450 ft. This water well is abandoned but not plugged. CPC will conduct plugging and abandonment of well 7912208 and submit a Well Report which will be available on the Texas Water Development Board website.

COMMENT No. 4:

Goliad County Groundwater Conservation District (GCGCD) supports remediation of the Slick-Wilcox site. GCGCD requests that CPC test private water wells on surrounding property upon completion of remediation at the Slick-Wilcox site. GCGCD requests that final remediation plan and designated transport route be provided to GCGCD.

RESPONSE No. 4:

Testing private water wells surrounding the Slick-Wilcox site is not required because there is no indication that local groundwater has been impacted from tailings at the Slick-Wilcox site or will be impacted by the proposed excavation activity. A copy of the application and draft license were made available for review and copying at the Goliad County Library. Any future reports submitted to TCEQ by CPC are a matter of public record and may be requested under Texas Public Information Act, Texas Gov't Code Chapter 552.

COMMENT No. 5:

Carlos A. De Ayala comments that the application omits information on the extent of contamination on the Slick-Wilcox site, including a radiation survey and water well information from the neighboring D&D Ranch.

RESPONSE No. 5:

CPC proposed soil excavation activity to be conducted within the licensee's property at the Slick-Wilcox site. The Executive Director has no information to indicate offsite surface contamination caused by the Slick-Wilcox site. A report on a radiation survey from the D&D Ranch was not provided as part of this application. The licensee conducted a nearby well survey based on well records from the Texas Water Development Board, and the Executive Director's own investigation found the same survey results. The Executive Director has no indication of a groundwater impact at the Slick-Wilcox site based on analysis of local soil and geologic information.

Comments on the Conquista Project

COMMENT No. 6:

Blake Elkin requests information on the type and volume of waste disposed of at the Conquista Project.

RESPONSE No. 6:

The waste disposed at the Conquista Project site is regulated as "by-product material," which are the tailings or waste produced by or resulting from the extraction or concentration of uranium processed from ore. Waste types associated with this application are tailings materials and soils from the Slick-Wilcox site, on-site soils and demolished buildings, and contaminated soils from FM 791 road-side area. The highest observed radiation levels observed on site at the Conquista Project site are currently 61 microroentgen per hour (uR/hr). The Work Plan for Construction of the On-Site Supplemental Disposal Cell gives the volumes from each of the three sources: 1) On-Site Soils and Building Demolition from the Conquista Project Site (30,000 yd³); 2) FM 791 Work Areas (14,000 yd³); and 3) Slick-Wilcox soils (7,000 yd³), and adds an additional 15% volume as a safeguard in determining the estimated capacity of the disposal cell. The final design volume of the Disposal Cell is approximately 60,000 yd³.

COMMENT No. 7:

Darlene Woelfel, Quint Woelfel, Jessica Raye De Los Santos, Joshua Woelfel, Cory John Ebrom, Linda Mae Wiatrek, Robert Skloss, Joseph Brysch, Karen Lyssy, Matthew Joseph Wiatrek, Leslie Gonzales, Brady Labus, Bernadette Dziuk Diver, Jeanette Lyssy, Patsy Sekula, Ben Lyssy and Charles Balsler oppose the reopening of the Conquista Project site. Hillary Lyssy, Lori Lyssy, Taylor Torrez, Karen Lyssy, Wanda Olenick, Brady Labus, Kristen Woelfel, Bernadette Dziuk Diver, Jeanette Lyssy, Leo V Lyssy, Chelsi Labus, Pete Jauer, Ben Lyssy, Nancy Puckett and Charles Balsler express opposition to bringing waste into Karnes County.

RESPONSE No. 7:

The Conquista Project site is still undergoing decommissioning, and final closure will not be completed until final transfer to DOE for long-term care under an NRC license. For the existing covered tailings impoundment, there is no plan to reopen the

impoundment for additional waste. A supplemental disposal cell is proposed to be added at the Conquista Project site for disposal of waste from onsite, the FM 781 roadway and the Slick-Wilcox site. One objective of the state's regulations implementing UMTRCA is to avoid proliferation of multiple small waste disposal sites that may require long-term surveillance. The proposed new supplemental cell at the Conquista Project site will be built on the side slope of the existing tailings impoundment, and it is only for materials identified in the application.

Engineering

COMMENT No. 8:

Blake Elkins requests clarification on the disposal cell design. Travis Culpepper and Charles Balser express concern on the adequacy of engineering and clay lining materials.

RESPONSE No. 8:

The design of and long-term containment plan for the supplemental disposal cell being constructed at the Conquista Project site was documented in the Work Plan in accordance with technical requirements of 30 TAC §336.1129. Construction drawings are included with the application which provides the design of the supplemental cell. Long term containment will be addressed by the 18" compacted clay liner along the bottom, the 4' thick clay barrier on top and 5:1 maximum side slope for erosion control. The existing tailings impoundment does not include a synthetic liner. The new disposal cell will be constructed as a contiguous but separate addition to the northwestern side slope of the existing tailings impoundment. The compacted clay liner will be constructed using moisture conditioned and compacted clay with a hydraulic conductivity of no more than 1.0×10^{-7} cm/s. The Executive Director reviewed the engineering of the supplemental disposal cell and determined the design to be appropriate under the applicable rules.

COMMENT No. 9:

Russell Labus expressed concern about the effects of increased seismicity in the area of the facility.

RESPONSE No. 9:

Under 30 TAC §336.1129(h)(9), an impoundment system must provide for stability and be evaluated for erosion potential and geomorphology of surrounding terrain to assure that there are no ongoing or potential processes that could lead to impoundment instability. CPC's Work Plan for the Construction of the On-Site Supplemental Disposal Cell included with the application discusses how part of the evaluation for the structural stability of the disposal cell included a geomorphology review of the surrounding area, in addition to evaluating any potential destructive processes such as erosion, external slope stability, seismic activity, settlement, and internal stability (during construction) that could lead to instability. The Executive Director considered the site to have a negligible probability of seismic activity, and the associated design parameters reflect this.

In 2020, NRC staff conducted a seismic evaluation on the potential for existing and future oil and gas drilling and production operations in the Eagle Ford Shale in south Texas to impact existing uranium mill tailings impoundments. Based on their review, it was determined there was no significant risk to the stability of impoundments within

the area of interest from seismic events created by hydrofracturing. Studies show that seismic events related to hydrofracturing are below the magnitude considered significant enough to damage underground sources of drinking water.

Environmental Protection

COMMENT No. 10:

Bernadette Diver and Cheryl Elizondo expressed concern about exposure to radiation from the proposed activities.

RESPONSE No. 10:

30 TAC Chapter 336, Subchapter D *Standards for Protection Against Radiation*, requires development, documentation, and implementation of a radiation protection program. To comply with this requirement, CPC has employed engineering controls and procedures based on sound radiation protection principles to achieve as low as reasonably achievable (ALARA) occupational doses and doses to members of the public. CPC has submitted a Health and Safety Plan (HASP) and Radiation Protection Plan (RPP) that include specific radiation safety procedures for the excavation, storage, and transport of tailings and contaminated soil during remediation of all three sites (Conquista Project site, FM 791 right-of-way, and Slick-Wilcox site). Both plans detail hazard identification and mitigation procedures, quality assurance, and various control programs.

For all three working sites (with elevated radioactive materials or elevated direct radiation exposure rates), CPC will designate respective “restricted areas” using stakes and tape to prevent the spread of contamination. Regular scanning/survey of all individuals and equipment for contamination at the site will be conducted, and decontamination areas will be established. All heavy equipment, trucks and vehicles will be decontaminated before leaving the sites. The licensee has also provided a Transportation Safety Plan in accordance with all Texas Department of Transportation (TxDOT) and U.S. Department of Transportation (DOT) requirements in case of any accidents involving transport of contaminated materials.

Texas regulations require that a licensee show compliance with the annual dose limit by surveys and measurement of effluents, or by demonstrating that the concentrations of radioactive materials released in gaseous and liquid effluents are not likely to exceed the values specified in TAC regulations. The licensee has provided dose calculations for radiation workers and nearby residents/individual members of the public and meets the State’s requirements as stated in 30 TAC §§336.313, 336.314, and 336.315.

In addition, for the future safety of the various sites, CPC has employed the RESRAD-ONSITE 7.2 Software program code which estimates radiation doses for a hypothetical individual located in the area being analyzed. The RESRAD results indicate that the decontamination and restoration activity will produce results in conformance with NRC and State of Texas rules for unrestricted land use once the areas have been remediated to meet established soil concentration standards. The only area that will remain restricted is the Conquista Project’s waste tailings impoundment, which will eventually be transferred to the DOE for long-term care.

COMMENT No. 11:

Wanda Olenick, Blake Elkins, Bernadette Diver, Cheryl Moy and Cheryl Elizondo expressed concerns about soil and air contamination from the proposed activities.

RESPONSE No. 11:

The decommissioning of the Conquista Project site and the decontamination, restoration, and reclamation of the FM 791 right-of-way and Slick-Wilcox site will be performed in accordance with the clean-up standards listed in 30 TAC §336.1115(e) for unrestricted use, except for the waste tailings impoundment, which will remain restricted and eventually be transferred to the DOE for long-term care.

To prevent contamination of soil and surface water during work activities, CPC has prepared an Erosion and Sedimentation Control Plan (ESCP) to prevent soil erosion and discharge of soil-bearing water runoff.

To prevent contamination as a result of the transport of materials, CPC will determine the safest haul route for transportation of contaminated materials. The established haul route will be scanned weekly, to verify no contamination has been caused during the remediation efforts.

Under the health and safety plan, to reduce the potential for resuspension of particulate radionuclides in air, dust will be controlled at US Occupational Safety and Health Administration (OSHA) permissible dust exposure limits wetting work areas, consistent with other safety considerations. For air quality monitoring, daily measurement of dust using an industrial grade hand-held total dust monitor will be employed, and if the wind speed exceeds 15 miles/hr at any instance, the activity will be suspended. The Erosion and Sedimentation Control Plan describes the installation of silt fencing, soil berms, diversion trenches and/or similar structures down-gradient of all disturbed areas to control dust migration off site. Excavated tailing materials will be placed in covered containers to prevent windblown contamination from going off-site.

Detailed technical procedures for the proposed activities will minimize the release of radioactive particles into the air, soil, surface water, and groundwater.

After decontamination to regulatory standards, CPC will conduct confirmatory final radiological surveys, and disturbed areas will be reclaimed with clean soil from off-site locations. All disturbed areas will be graded to reduce channelization of stormwater runoff. Topsoil will be spread across each excavation area and then seeded with native grass mix and re-seeded, as necessary, until vegetation cover is established. The goal of this reclamation and restoration project is to remediate the contaminated sites to be in conformance with 30 TAC Chapter 336 standards.

COMMENT No. 12:

Bernadette Diver, Travis Culpepper, Cheryl Moy, Cheryl Elizondo and Charles Balsler expressed concerns about groundwater contamination from the proposed activities.

RESPONSE No. 12:

For the Conquista Project site, the groundwater is monitored and results are reported to the TCEQ semiannually by the licensee. The groundwater analytical results are compared to background-based groundwater standards and indicate that groundwater at the Conquista Project is in compliance with applicable standards.

The Slick-Wilcox site is located within the Goliad Formation outcrop. The subsurface water bearing unit beneath the site is at a depth of 100 to 150 feet below ground surface. There is about 100 feet of thick clay formation in between, mostly consisting of clay, caliche, and sand. Groundwater levels were recorded from 98 to 128 feet below ground surface at three wells nearby the site. Soil contamination was found not deeper than 8 feet. There is at least 90 feet thickness of low transmissivity soil formation between the groundwater and contaminated soil, and there is no indication that local groundwater has been impacted. Accordingly, there are no groundwater monitoring requirements for the Slick-Wilcox site.

COMMENT No. 13:

Russell Labus requested that groundwater monitoring be conducted on properties surrounding the Conquista Project site.

RESPONSE No. 13:

Groundwater monitoring on surrounding properties is not required because groundwater monitoring done at the Conquista Project site shows compliance with applicable standards.

COMMENT No. 14:

Russell Labus and Cheryl Elizondo express concern about contamination from surface water runoff from the proposed activities.

RESPONSE No. 14:

The proposed removal of contamination and disposal as addressed in the Work Plans are not expected to have any impact on surface water. Erosion and storm water controls will be installed as needed to prevent the migration of contamination during remedial activities.

COMMENT No. 15:

Charles Balsler expressed concern about radon gas emissions from the proposed activities.

RESPONSE No. 15:

Radon gas is primarily emitted from contaminated soil due to the natural breakdown of uranium. For controlling the air emissions of site-specific radionuclides and dust particles, and for conformance with ALARA requirements (per 30 TAC §§336.313-336.315), CPC has designed several engineering and operational controls. CPC will employ industry grade air dust monitors for daily monitoring, and if the wind speed exceeds 15 miles/hr at any instance, the activity will be suspended, temporarily. Also, to reduce the potential for resuspension of particulate radionuclides in air and windblown contamination offsite, dust will be controlled at OSHA permissible dust exposure limits during excavation by wetting work areas, consistent with other safety considerations.

In addition, as indicated by CPC, special ambient air monitoring programs will be established at the Conquista Project Site during placement of Slick-Wilcox Site soils in the new impoundment disposal cell at Conquista Project and work will be paused if air quality exceeds safety thresholds.

COMMENT No. 16:

Bernadette Diver and Cheryl Elizondo expressed concerns about the proposed activities presenting risks to migratory birds.

RESPONSE No. 16:

The Executive Director considered the low emissions and radiation levels to have no discernable risk for major migration routes and sensitive habitat of birds. The application and Work Plans for the proposed activity were determined to be adequate for the protection of human health and the environment from contamination and radiation.

COMMENT No. 17:

Leslie Gonzales, Russell Labus and Cheryl Elizondo opined that a full environmental assessment should be performed for the proposed activities.

RESPONSE No. 17:

The Executive Director reviewed the application and Work Plans for the proposed activity and determined that there is adequate protection of human health and the environment from contamination and radiation. Because the Executive Director determined that the proposed activity will not have a significant impact on the human environment, TCEQ is not required to prepare an environmental assessment under the Texas Radiation Control Act or 30 TAC §281.21(f) for this application.

COMMENT No. 18:

Blake Elkins commented that environmental monitoring should be conducted.

RESPONSE No. 18:

CPC does conduct certain environmental monitoring. Under license and rules, CPC conducts the following environmental monitoring program at the Conquista Project site: monthly inspection of structural integrity, site erosion, vegetative cover, surface settlement, surface water ponding, and site security; quarterly monument elevation survey for settlement; and semiannual groundwater well sampling and analysis for groundwater compliance.

COMMENT No. 19:

Wanda Olenick and Blake Elkins expressed concerns about the risk of fires or explosions from the proposed activities and requested emergency response planning.

RESPONSE No. 19:

Excavation and disposal of contaminated soil is a low fire and explosion hazard. Detailed emergency response procedures are provided in the Addendum to the Health and Safety Plan.

COMMENT No. 20:

Bernadette Dziuk Diver, Cheryl Elizondo and Charles Balser expressed concern about the assessment and responsibility for addressing offsite contamination at the Conquista Project site.

RESPONSE No. 20:

CPC will be responsible for any contamination resulting from its own activities. As part of this application, CPC is proposing decontamination, restoration, and reclamation along the FM 791 right-of-way. This application does not include assessment or remediation of other neighboring properties. The Executive Director is not aware of offsite contamination from CPC activity. If an individual is aware of offsite contamination resulting from CPC activities, the information should be reported to CPC and the TCEQ.

Long term responsibility for the Conquista Project

COMMENT No. 21:

Leanne Gerleman and Bernadette Diver expressed concern about the responsibility for long term care of the Conquista Project site.

RESPONSE No. 21:

The Conquista Project site is currently subject to TCEQ and state licensing requirements for the decommissioning of the site, as well as UMTRCA requirements. Eventually, the Conquista Project disposal site will be transferred to the United States Department of Energy (DOE), and the TCEQ state license will be terminated. After the NRC agrees that the remedial action is complete and accepts the site-specific Long-Term Surveillance Plan (LTSP) developed by the DOE, the DOE will assume responsibility for the Conquista Project disposal site under a general NRC license for custody and long-term care.

Traffic and Transportation

COMMENT No. 22:

Joshua Woelfel, Robert Skloss, Karen Lyssy, Leslie Gonzales, Russell Labus, Leo V Lyssy, Patsy Sekula, Pete Jauer, Travis Culpepper, David Wiatrek and Charles Balsler expressed concerns about increased traffic, routing, and risk from transportation of materials to the Conquista Project site.

RESPONSE No. 22:

TCEQ does not regulate the transportation of radioactive materials. However, the transportation of materials will have to comply with applicable state and federal transportation laws. Section 7.0 Transportation of the Slick-Wilcox Work Plan presents transportation procedures. The haul route from the Slick-Wilcox Site to the Conquista Project Site will be selected prior to the commencement of work, in conjunction with TxDOT.

Transportation companies are generally registered with the US DOT. Transportation companies permitted to transport hazardous materials typically have specific training requirements, but emergency response is primarily the responsibility of the shipper. The ConocoPhillips application includes a Soil Remediation and Disposal Work Plan which describes transportation procedures. This portion of the work plan details radiation emergency safety as well as radiation transportation requirements.

Any potential accidents involving transport will be addressed in accordance with the Health and Safety Plan. The affected area would be surveyed and the extent of any contamination defined. As necessary, the materials would be cleaned up and disposed of in the Conquista Project supplemental disposal cell. Any potential accidents involving

off-site transport will be addressed by the Transportation Safety Plan in accordance with all TxDOT and US DOT requirements.

The CPC team will work in conjunction with the TxDOT Corpus Christi District Office as well as the Karnes County Office to ensure development of the Traffic Control Plans will meet TxDOT requirements and are subsequently approved. Traffic volumes will be estimated once transport logistics, route and work schedule are determined following the awarding of the bid to a licensed subcontractor.

Property Values

COMMENT No. 23:

Wanda Olenick and Charles Balsler expressed concern about the effect on property values from the proposed activities.

RESPONSE No. 23:

TCEQ's jurisdiction is established by the legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider effects on property value when determining whether to approve or deny a radioactive materials license application.

IV. CHANGES MADE IN RESPONSE TO COMMENT

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

Respectfully submitted,
Texas Commission on Environmental Quality
Kelly Keel
Executive Director

Todd Galiga, Interim Deputy Director
Environmental Law Division



By _____
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 19, 2025, that the Executive Director's Response to Public Comment on the Application by ConocoPhillips Company for major amendment of Radioactive Material License No. R01634 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Nicholas Pilcher, Staff Attorney
Environmental Law Division

ATTACHMENT A

The following people submitted comments or correspondence on the application: Domingo Alvarez, Charles Balser, Kathy Balser, Rebecca Baumann, Barbara Beicker, Kaleigh Bertrand, Edward J Bordovsky, Julie Bordovsky, Madelyn Braudaway, Joseph Brysch, Colby Burson, Megan Burson, Margaret Collins, Doyle Culpepper, Minnie Culpepper, Travis Culpepper, Chandler Dane, John Darnell, Sandra Darnell, Keirah Davis, Carlos A De Ayala, Jessica De Los Santos, Bernadette Dziuk Diver, Lee Ann Dragon, Stephanie Duke, Loretta Dziuk, Robert J. Dziuk, Ronald F. Dziuk, Rudolph F. Dziuk, Erica Ebrom, Cory John Ebrom, Cheryl Elizondo, Blake Elkins, Bruce Fohn, Suzanne Friesenhahn, Leanna Gerleman, Greg Gonzales, Gregorio Gonzales, Jacoby Gonzales, Johnathan Gonzales, Leslie Gonzales, Jordan Gorull, Randy Grier, Barbara Grothues, Gary Grothues, Johnny Guevarra, Terry Haynes, Shayne Hons, Lance Jandt, Emelia Janysek, Matthew Janysek, Sydney Janysek, Trenton Janysek, Justin Jarzombek, Pete Jauer, Brittany Jimenez, Cynthia Johnson, Robert Kolodziej, Patrick Korlis, Diane Korus, Caroline Korzekwa, Robin Korzekwa, Thomas Kowalik, Yvette Kowalik, Patsy Kroll, Jonathan Kyrish, Brady Labus, Cody Labus, Russell Labus, Tammy Labus, Brady Labus, Chelsi Labus, Ben Lyssy, Melvin Lyssy, Roger Lyssy, Hillary Lyssy, Jeanette Lyssy, Karen Lyssy, Leo V Lyssy, Lori Lyssy, Jeremy Mandel, Angela Martinez, Justin Mayes, Gene F Moczygamba, Mary Moczygamba, Cheryl Moy, James Music, Kenneth Olenick, Wanda Olenick, Brian Osuna, Camari Osuna, Cindy Parma, Kristin Parsons, Samuel Parsons, Donna Pawelek, Joyce Pawelek, Jeff Pawelek, Mary Pawelek, Lauren Pinkney, Nancy Puckett, Brenda Quintanilla, Taylor Rapstine, Alicia Sandoval, Patsy Sekula, Michelle Shelton, Jaclyn Skloss, Robert Skloss, Barbara Smith, Taylor Spreen, Cheryl Stone, Jacob Stroman, Mary Stulting, Vincent Swiere, David Thomas, Megan Thompson, Taylor Torrez, Richard Trevino, Vanessa Villanueva, Alan Waclawczyk, Nancy Waclawczyk, Sam Webb, Charles White, David Wiatrek, Bonnie Wiatrek, Danielle Wiatrek, Jonathan Wiatrek, Kenneth Lee Wiatrek, Linda Mae Wiatrek, Martin Wiatrek, Matthew Joseph Wiatrek, Victoria Wiatrek, Katelyn Wilson, Stacie Esse Woelfel, Warren Woelfel, Darlene Woelfel, Joshua Woelfel, Kristen Woelfel, Quint Woelfel, Amber Yeoman, David Zunker, Margie Zunker, Zachary Zunker, Anthony Zunker, Kathleen M Zunker.

The following persons submitted an identical petition or form letter with comments on the application: Domingo Alvarez, Charles Balser, Kathy Balser, Rebecca Baumann, Barbara Beicker, Edward J Bordovsky, Julie Bordovsky, Madelyn Braudaway, Colby Burson, Megan Burson, Doyle Culpepper, Minnie Culpepper, Chandler Dane, John Darnell, Sandra Darnell, Keirah Davis, Jessica De Los Santos, Bernadette Dziuk Diver, LeeAnn Dragon, Stephanie Duke, Loretta Dziuk, Robert J. Dziuk, Ronald F. Dziuk, Rudolph F. Dziuk, Erica Ebrom, Cory Ebrom, Bruce Fohn, Suzanne Friesenhahn, Leanna Gerleman, Greg Gonzales, Gregorio Gonzales, Jacoby Gonzales, Johnathan Gonzales, Leslie Gonzales, Jordan Gorull, Randy Grier, Barbara Grothues, Gary Grothues, Johnny Guevarra, Terry Haynes, Shayne Hons, Lance Jandt, Emelia Janysek, Matthew Janysek, Sydney Janysek, Trenton Janysek, Paul Jaramillo, Justin Jarzombek, Brittany Jimenez, Cynthia Johnson, Robert Kolodziej, Donald Korchave, Patrick Korlis, Diane Korus, Caroline Korzekwa, Robin Korzekwa, Thomas Kowalik, Yvette Kowalik, Patsy Kroll, Jonathan Kyrish, Brady Labus, Cody Labus, Russell Labus, Tammy Labus, Melvin Lyssy, Roger Lyssy, Lori Lyssy, Jeremy Mandel, Angela Martinez, Justin Mayes, Gene Moczygamba, Mary Moczygamba, Cheryl Moy, James Music, Kenneth Olenick, Brian Osuna, Camari Osuna, Kristin Parsons, Samuel Parsons, Donna Pawelek, Jake Pawelek, Jeff Pawelek, Mary Pawelek, Lauren Pinkney, Robert Pody, Anna Powell, Brenda Quintanilla, Rafael, Taylor Rapstine, Alicia Sandoval, Michael Schuman, Danny Sgure, Bob Skloss, Jaclyn Skloss, Taylor Spreen, Cheryl Stone, Jacob Stroman, Mary Stulting, Vincent

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