

From: [Kelly Cook](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: TCEQ Enforcement Discretion Request on behalf of URI (Uranium Mining Permittee)
Date: Wednesday, April 1, 2020 8:34:26 PM

Dear Mr. Norton,

The Texas Commission on Environmental Quality (TCEQ) is in receipt of your electronic mail dated March 31, 2020, regarding the plugging and replacement of monitor well (MW) 33 in Production Area 2 (PA2), MW-82 and MW-92 in PA3 at the URI, Kingsville Dome uranium recovery site (site) located in Kleberg County. On March 16, 2020, URI notified TCEQ that the plugging and replacement of the subject monitor wells are scheduled for March 30, 2020. On March 27, 2020, URI notified TCEQ that Kleberg County has announced shelter in place order until April 8, 2020. Therefore, the plugging and replacement of the subject monitor wells were rescheduled for April 13, 2020.

Based on the information provided by you in your email below, it is TCEQ's understanding that the shelter in place order (due to the Coronavirus pandemic) announced by Kleberg County affects the site, URI employees, and the contractors thus making it difficult for URI to plug and replace the subject monitor wells at the scheduled date. The TCEQ will hereby extend enforcement discretion until May 4, 2020 for URI to suspend the plugging and replacement of the three monitor wells. Please note that this enforcement discretion is on a temporary basis due to novel coronavirus (COVID-19) Pandemic. Except for suspending the plugging and replacement of the three monitor wells at the site, URI shall maintain all other applicable TCEQ Underground Injection Control (UIC) rules and permits requirements related to the maintenance, operations, monitoring and testing, and reporting.

After May 4, 2020, the TCEQ will consider extending additional enforcement discretion, depending on the circumstances with the Kleberg County order and/or COVID-19 Pandemic.

Thank you for your assistance with this matter. If you have any questions, please feel free to contact me directly at (512) 563-3890 or email at kelly.cook@tceq.texas.gov.

Kelly W. Cook, Director
Critical Infrastructure Division
Office Of Compliance and Enforcement
Texas Commission on Environmental Quality

From: Duncan Norton <[REDACTED]>
Sent: Tuesday, March 31, 2020 3:52 PM
To: OCE <OCE@tceq.texas.gov>
Subject: TCEQ Enforcement Discretion Request on behalf of URI (Uranium Mining Permittee)

TCEQ Office of Compliance and Enforcement:

URI operates the Kingsville Dome uranium mining site in Kleberg County. The site is no longer producing uranium, but is in the site monitoring and restoration phase. As part of that process, URI maintains numerous monitoring wells across the former mining site. URI has been analyzing 3 monitor wells that have not been functioning properly, and has recently decided that the wells are in need of replacement. URI is seeking limited relief from 30 TAC Sec 331.82(a) and the corresponding permit conditions related to the maintenance and repair requirements applicable to these 3 monitoring wells.

Two weeks ago, URI notified the TCEQ Radioactive Materials Division that it was ready to begin the well replacement and that a contractor has been hired to close and replace the wells. That work was scheduled to begin on March 30, 2020. It is expected to take approximately 10 days. Unfortunately, the week before those efforts were scheduled to begin, Nueces County, Kleberg County, Duval County and Jim Wells County each issued separate stay-at-home orders for all county residents and all non-essential businesses. The orders of these four counties affect all URI sites, all URI employees, and the contractors. URI is operating at a minimal staff level as a result of those orders, as well as the order of the Governor.

URI does not believe that the planned well replacement can be completed without materially violating these

edicts. It also believes that no increased risk to the public would occur by delaying this construction activity until the orders have been lifted.

For these reasons, URI is requesting that this project be allowed to be indefinitely postponed until such time as the applicable orders are lifted. If TCEQ is not comfortable with an indefinite postponement, URI would request approval for a postponement for 30-days or until such time as the applicable orders are lifted. URI will continually monitor the situation and provide updates to TCEQ as necessary.

If you have any questions regarding this, please contact Duncan Norton at the email address above or on my cell phone: 512-771-5624.

Thank you for your consideration.

Duncan Norton



DUNCAN C. NORTON

Principal

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