UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAY 1 ? 2002

Mr. Jeff Saitas
Executive Director
Texas Natural Resource
Conservation Commission (TNRCC)
P. O. Box 13087
Austin, Texas 78711-3087

Dear Mr. Saitas:

I am pleased to inform you Region 6 finds TNRCC's application to exempt the Goliad B and C sands at the Alta Mesa uranium mining project in Brooks County, Texas, a non-substantial revision to its underground injection control program. As such, by authority delegated to our Regional Administrator and redelegated to the Water Quality Protection Division, we approve the exemption under the criteria provided in Title 40 of the Code of Federal Regulations §146.4. Specifically, we find the sands meet the criteria for exemption at:

- §146.4 (a): It does not currently serve as a source of drinking water; and
- §146.4 (b): It cannot now and will not in the future serve as a source of drinking water because: (1) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

The areal extent and lateral and horizontal boundaries of the exempted portions of the two sands are as described in TNRCC's March 8, 2001 response (enclosed) to Region 6's second notice of deficiency and as depicted in Attachment 1 to the Aquifer Exemption Boundary, Area of Review plat map. This exemption applies only to well injection for purposes of uranium mining and restoration as proposed in Mestena's permit application and permit provided by TNRCC in its Underground Injection Control program revision application. Injection into the exempted sands for other purposes requires additional approval.

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If you have any questions concerning this approval, please contact me or have your staff contact Larry Wright, Chief, Source Water Protection Branch at (214) 665-7150.

Sincerely yours,

Sam Becker,
Acting Director
Water Quality Protection Division

Enclosure

cc: Wade Wheatley, TNRCC
John Santos, TNRCC