Filed
11 May 24 P3:57
Amalia Rodriguez-Mendoza
District Clerk
Travis District
D-1-GN-11-001547

CAUSE NO. D-1-GN-11-001547

GOLIAD COUNTY, TEXAS; GOLIAD COUNTY FARM BUREAU; PAT CALHOUN, RETA BROWN; AND GINGER AND LYNN COOK	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
v.	§	TRAVIS COUNTY, TEXAS
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY,	§	
Defendants.	§	250TH JUDICIAL DISTRICT COURT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Goliad County, Texas, Goliad County Farm Bureau, Pat Calhoun, Reta Brown, and Ginger and Lynn Cook (hereinafter "Plaintiffs") and file this Original Petition against the Texas Commission on Environmental Quality (hereinafter "Commission" or "TCEQ"), and for cause of action would respectfully show the Court as follows:

I. DISCOVERY CONTROL PLAN

This cause of action is a review of action by an administrative agency and therefore based on the administrative record. Designation of a level of discovery is not applicable.

II. VENUE

Venue properly exists in Travis County, Texas pursuant to Texas Government Code § 2001.176 and Texas Water Code § 5.354.

III. LEGAL FRAMEWORK

Pursuant to Texas Water Code § 27.011, "no person may … begin drilling an injection well or converting an existing well into an injection well to … to extract minerals, or to inject a

fluid without first obtaining a permit from the commission." The Commission may issue a permit if it finds, among other things, that, with proper safeguards, groundwater can be adequately protected from pollution. TEX. WATER CODE § 27.051(a)(3). Once the injection well permit is obtained, the Commission may issue an "authorization" for mining activity within the permit boundaries. The Water Code states: "the Commission may issue a holder of a permit issued pursuant to Section 27.011 for mining of uranium an authorization that allows the permit holder to conduct mining and restoration activities in production zones within the boundary established in the permit." TEX. WATER CODE § 27.0513(c). This statutory language indicates that an applicant may only obtain an authorization once they have already obtained an injection well permit (with all the statutory requirements that the permit itself requires). Finally, if the proposed mining activity is located in an Underground Source of Drinking Water (as designated pursuant to the federal Safe Drinking Water Act), an applicant must also obtain an aquifer exemption. 30 T.A.C. § 331.5(a); 30 T.A.C. § 331.13; 30 T.A.C. § 331.2(107).

IV. BACKGROUND

This lawsuit arises out of the decisions by the TCEQ to grant the Applications of Uranium Energy Corp ("UEC") for (1) the Class III injection well permit No. UR03075 ("Mine Permit"); (2) a Production Area Authorization No. 1 located in the B-sand ("PAA-1" or "PAA-B"); and (3) an Aquifer Exemption. In order to mine within the requested zone, UEC must obtain an aquifer exemption because the proposed mining activity is located in an Underground Source of Drinking Water. 30 T.A.C. § 331.5(a); 30 T.A.C. § 331.13; 30 T.A.C. § 331.2(107). The subsurface beneath the proposed Mine Permit Boundary is comprised of four distinct sand layers separated by clay layers. The four layers have been labeled relative to their depth from shallowest to deepest – Sand A, Sand B, Sand C, and Sand D. Each sand layer serves as a

separate and distinct portion of the Evangeline Aquifer. The decision by the TCEQ to grant UEC's aquifer exemption request exempted each of these layers from protection of the Safe Drinking Water Act.

TCEQ's issuance of the Mine Permit authorizes UEC to construct and operate Class III injection and production wells for recovery of uranium from a certain portion of the Goliad Formation within the Evangeline Aquifer also within the Mine Permit boundary (Finding of Fact No. 55). The Commission also issued PAA-B, authorizing mining in proposed Production Area 1 located within the Mine Permit area (Finding of Fact No. 60). Finally, the Commission approved UEC's request for an aquifer exemption. All three decisions by the TCEQ were made in legal error.

In situ uranium mining requires injection of mining fluids into the subsurface where uranium ore is located. The mining fluid solubilizes the uranium into the groundwater, and the uranium is subsequently pumped to the surface through a recovery well. This process necessarily contaminates the groundwater at the mining locations for various constituents, including uranium and radium. For this reason, prior to beginning operations, an applicant must obtain the necessary permits by demonstrating compliance with the Texas Water Code and TCEQ rules.

In Goliad County, groundwater is the sole source of domestic water supply and is, therefore, the backbone of its livelihood. Approximately 5,000 domestic and livestock water wells are located throughout Goliad County. More specifically, there are approximately fifty (50) domestic and agricultural water wells located within a one-kilometer radius of the proposed mining boundary. Each of these wells is believed to be screened for collecting water supply at the same depths that uranium mining is being proposed. The close proximity of these wells to

the proposed mining presents a great health risk to the citizens of Goliad County due to the migration of contaminants. The Commission, in its approval of the Mine Permit, PAA-1, and aquifer exemption applications, has authorized contamination of a substantial portion of the aquifer on which Goliad County currently depends. Moreover, the Commission's actions are in direct violation of the Texas Water Code.

Substantial rights of the Plaintiffs have been prejudiced because the decisions of the TCEQ are in violation of statutory provisions, in excess of the Commission's statutory authority, made through unlawful procedure, not supported by any evidence or substantial evidence; and therefore are, arbitrary, capricious and characterized by an abuse of discretion. TEX. GOV'T CODE § 2001.174. The Class III injection well permit application requests permission to conduct uranium mining at four distinct locations within the mining boundary. The Commission specifically acknowledged that it did not determine whether conducting uranium mining at three of the four locations (PAA-2, PAA-3 and PAA-4) will be sufficiently protective of groundwater, which is an explicit requirement that must be satisfied prior to issuing an injection well permit. TEX. WATER CODE § 27.051(a)(3). The Commission thus erred by issuing the permit.

Furthermore, UEC did not use "representative" samples when establishing baseline water quality for groundwater within PAA-B. Instead, UEC relied upon water quality sampling data that was artificially elevated with uranium and radium as a result of their own uranium exploration and well development activity. The Commission's acceptance of the non-representative samples is critical because baseline water quality establishes the restoration limits for all constituents once mining is complete. 30 T.A.C. § 331.107. The Commission thus erred by issuing PAA-B in direct violation of TCEQ rule 30 T.A.C. § 331.104.

Finally, the water within the requested exemption boundary is currently used and/or could be used in the future as a source of drinking water for human consumption. This is an enumerated criteria for the TCEQ to evaluate when issuing an aquifer exemption. 30 T.A.C. § 331.13(c). Accordingly, the aquifer exemption approved by the Commission did not satisfy the necessary legal prerequisites for approval. 30 T.A.C. § 331.13.

Plaintiffs seek judicial review of the foregoing decisions made by the TCEQ and request that they be reversed by this Court.

V. PROCEDURAL BACKGROUND

The Commission received the application for Underground Injection Control Permit No. UR03075 on August 7, 2007. The Executive Director completed the technical review of the application and prepared a draft permit on June 17, 2008. The TCEQ then received the application for new Production Area Authorization No. UR03075PAA1 on September 4, 2008. The Executive Director completed the technical review of the application and prepared a draft PAA on June 2, 2009.

On May 14, 2009, State Office of Administrative Hearings ("SOAH") held a preliminary hearing to take jurisdiction over the application for Class III injection well area permit No. UR03075 and request for aquifer exemption, and to consider requests for party status. On August 14, 2009, UEC filed a request that the application for PAA-1 be referred directly to SOAH for a contested case hearing on the application. On September 29, 2009, the parties filed an unopposed motion to consolidate the hearing on the application for PAA-1 with the pending hearing on the applications for the Class III injection well area permit and aquifer exemption designation; the motion was granted and the dockets were consolidated by the ALJ's Order No. 7 on October 8, 2009.

The hearing on the merits began on May 3, 2010, and concluded on May 11, 2010. The hearing was held in Austin, Texas from May 3-7, 2010 and in Goliad, Texas on May 10-11, 2010. The Proposal for Decision ("PFD") and Order were issued by Administrative Judge Wilfong on September 28, 2010. Notably, in his PFD, ALJ Wilfong recommended that UEC's applications either be denied or remanded for additional actions to be taken and additional evidence received.

However, at the Commissioners' Agenda meeting on December 14, 2010, the Commission disregarded the ALJ's recommendation and issued Class III injection well permit No. UR03075. The Commission ordered UEC to draft an Order that reflected the decisions of the Commission at the Agenda meeting. At the Commissioners' Agenda meeting on February 23, 2011, the Commission adopted the UEC's proposed order, and on March 9, 2011 the Commission issued a final Order approving UEC's applications. For the reasons stated and to be discussed in more detail, the Commission's decisions were plainly in violation of the Texas Water Code and TCEQ rules.

Plaintiffs timely filed Motions for Rehearing on March 29, 2011. The Commission failed to rule on said Motion for Rehearing, and, thus, it has been overruled by operation of law. All conditions precedent to the filing of this review of an administrative action have been accomplished.

Plaintiffs seeks judicial review of the decisions by TCEQ in this matter pursuant to the Administrative Procedure Act, Texas Government Code § 2001.171, and Texas Water Code § 5.351.

VI. PARTIES

Plaintiff, Goliad County, Texas, is a corporate and political body whose duty includes the enforcement of certain federal, state and local laws controlling the activities complained of herein, and the protections of the interests of its citizens as described in this Original Petition.

Plaintiff Goliad County Farm Bureau is the Goliad County affiliate of the Texas Farm Bureau, which is an independent organization of farm and ranch families. Goliad County Farm Bureau participated as a party in the underlying proceeding before the TCEQ.

Plaintiff Pat Calhoun is an individual land owner and President of the Goliad County Farm Bureau. Mr. Calhoun participated as a party in the underlying proceeding before the TCEQ.

Plaintiff Reta Brown is an individual land owner who participated as a party in the underlying proceeding before the TCEQ.

Plaintiffs Ginger and Lynn Cook are individual landowners who participated as a parties in the underlying proceeding before the TCEQ.

The TCEQ is an agency of the State of Texas. Service on the Commission may be accomplished by delivering a copy of this instrument to Mr. Mark R. Vickery, P.G., Executive Director of the TCEQ at 12100 Park 35 Circle, Austin, Texas 78753.

Other parties to the underlying administrative hearing were as follows:

Uranium Energy Corp is a corporation organized under the laws of the State of Nevada with permission to conduct business in the State of Texas. It was represented by Ms. Monica M. Jacobs and Ms. Diana L. Nichols, both of Kelly Hart & Hallman, 301 Congress Avenue, Suite 2000, Austin, Texas, 78701.

The TCEQ Office of Public Interest Counsel ("OPIC") was a party, and was represented by Mr. Garret Arthur, P.O. Box 13087, MC-103, Austin, Texas, 78711-3087.

The TCEQ Executive Director was a party, and was represented by Ms. Shana Horton and Mr. Don Redmond, P.O. Box 13087, MC-173, Austin, Texas, 78711-3087.

Goliad County Farm Bureau was a party, and was represented by Mr. Pat Calhoun, P.O. Box 576, Goliad, Texas, 77963.

Citizens of Goliad County, a group comprised of a large number of residents, were granted authority to participate as a party at the contested case hearing and were aligned with the Goliad County Farm Bureau, represented by Pat Calhoun, P.O. Box 576, Goliad, Texas, 77963.

VII. GROUNDS FOR REVERSAL OR REMAND

Plaintiffs would show that the decisions of the Commission are in violation of statutory provisions, are in excess of the agency's statutory authority, are contrary to TCEQ's rules, are not reasonably supported by substantial evidence, and/or are arbitrary and capricious. Substantial rights of Plaintiffs have been prejudiced because of TCEQ's decisions to grant the applications of UEC for issuance of the Class III injection well permit No. UR03075, Production Area Authorization No. 1 and Aquifer Exemption in Goliad County, Texas.

VIII. COMMISSION ERRORS

The Commission, through its issuance of an Order granting the Application of UEC for a Class III injection well permit No. UR03075, Production Area Authorization No. 1 and Aquifer Exemption erred as follows:

1. The Commission erred by issuing a Class III injection well permit without evaluating whether mining within the Mine Permit Area will be conducted in a manner that sufficiently protects groundwater. Specifically, the Commission did not address whether mining PAA-A,

PAA-C and/or PAA-D within the Mine Permit Area can be completed in a manner that will be protective of groundwater. The Commissions' failure to determine whether mining within the permit area is sufficiently protective of groundwater prior to issuing the Mine Permit is a direct violation of TEX. WATER CODE § 27.051(a)(3).

2. The Commission erred by approving the Application for PAA-B, where the evidentiary record demonstrates that UEC failed to prove by a preponderance of the evidence that the application complies with all applicable TCEQ rules. Specifically, UEC relied on non-representative samples for establishing baseline water quality within PAA-B. UEC relied on samples that contained artificially elevated levels of uranium and radium caused by UEC's own uranium exploration and well development activity. The Commission's acceptance of such samples for establishing its restoration table is a direct violation of 30 T.A.C. 331.104(a)(3) and (b).

3. The Commission erred in approving the application for the Aquifer Exemption, where the evidentiary record demonstrates that UEC failed to prove by a preponderance of the evidence that the application complies with all applicable TCEQ rules. Specifically, UEC failed to demonstrate that the water within the requested aquifer exemption boundary is not currently used, or in the future will be used, as a source of drinking water for human consumption. The Commission's acceptance of UEC's mischaracterization of the current use and quality of the groundwater as bases for approving the requested aquifer exemption is a direct violation of T.A.C. 331.13(c).

These issues are of particular concern to Plaintiff Goliad County, Texas, being the governmental entity charged with protecting the County's livelihood as well as the health and safety of landowners and residents adjacent to the proposed mining operation. These designated

issues represent decisions made by the TCEQ that are contrary to Commission rules and/or are unsupported by, or contrary to, the evidence that was in the application for permit amendment and that was presented at the hearing, producing reversible error in the Order as adopted by the Commission. A more detailed discussion of each of these issues is presented below.

IX. ISSUES

A. The Commission erred by issuing a Class III injection well permit without first concluding that mining within the permit area will be conducted in compliance with TEX. WATER CODE § 27.051.

The Commission, in its Order granting the Application of UEC for Class III injection well permit UR03075, issued March 9, 2011, found that the Mine Application was sufficiently protective of groundwater quality (Conclusion of Law No. 263). Issuance of Mine Permit UR030705 by the Commission authorizes UEC to construct and operate Class III injection and production wells for recovery of uranium from a certain portion of the Goliad Formation (Finding of Fact No. 55). However, this decision by the Commission was in direct violation of TEX. WATER CODE § 27.051(a)(3).

Pursuant to Section 27.051(a)(3), the Commission may issue the permit only if it finds that, with proper safeguards, groundwater can be adequately protected from pollution. Testimony at hearing by UEC's expert witness conflicted with testimony from the Executive Director's expert witness with regard to the transmissivity of a fault line that runs through the proposed boundary designated in the Mine Permit. This fault is referred to as the Northwest Fault due to its location in the northwest portion of the proposed permit boundary. Notably, PAA-A, PAA-C and PAA-D straddle this fault. In the PFD, the ALJ made the following recommendation: "until the issue of the transmissivity of the Northwest Fault is resolved, the

ALJ concludes that the application may not be sufficiently protective of groundwater quality."[1] In other words, according to the evidence presented and according to the ALJ, UEC failed to satisfy its burden of proof that mining will comply with TEX. WATER CODE § 27.051(a)(3). For this reason, the ALJ recommended to the Commission that the applications either be denied or remanded for additional actions to be taken and additional evidence received.[2]

The Commission disregarded the recommendation of the ALJ at its Agenda meeting on December 14, 2010. The Commission reasoned that such a determination with regard to the transmissivity need not be made at this time. Instead, the Commission's Order states that whether mining will be completed in a manner that sufficiently protects groundwater will be evaluated if and when UEC submits applications for PAA-2, PAA-3 and/or PAA-4 (Explanation of Changes No. 3). The decision of the Commission to issue the Mine Permit while deferring its legal duty to address pollution of groundwater throughout the entire boundary is a direct violation of TEX. WATER CODE § 27.051(a)(3). The Commission's decision is in violation of the Texas Water Code and represents clear legal grounds for reversing and remanding the decision. TEX. GOV'T. CODE § 2001.174.

B. <u>The Commission erred in approving the Application for PAA-1 where the evidentiary record demonstrates that UEC failed to prove by a preponderance of the evidence that the baseline water quality table for PAA-1 was established in compliance with all applicable TCEQ rules.</u>

The Commission, in its Order granting UEC's Application for PAA-1 issued March 9, 2011, found that the baseline water quality table complies with all applicable regulatory requirements (Conclusion of Law No. 309). However, 30 T.A.C. § 331.104 specifies that establishing a baseline water quality table requires "independent" and "representative" samples from the wells within the production zone. The Commission's acceptance of the baseline water

[1] PFD at 45.
[2] PFD at 1.

quality table submitted by UEC as part of the PAA-1 Application, and its conclusion that it satisfied all applicable requirements, are contrary to the evidentiary record in this proceeding.

Establishing accurate baseline conditions is important for two reasons. First, the background levels of constituents serve as limits to which an operator must restore groundwater following mining activity. *See* 30 T.A.C. § 331.107. Second, sampling for baseline conditions provides data to determine the caliber of groundwater in the area where uranium mining activities are being proposed, and this data helps make an informed decision whether uranium activity is in the public interest and whether the water is currently, or could in the future, be used as an underground source of drinking water. The evidence in the record indicates that UEC did not establish natural baseline conditions.

UEC took three rounds of samples from eighteen wells within PAA-B for establishing the baseline water quality table. Initially, UEC submitted the average concentrations from the eighteen wells for all constituents from only the first round of results. The first round of sampling took place shortly after UEC conducted its well exploration activities. The second and third round of samples, taken approximately two years later and showing dramatically lower concentrations of uranium, provide overwhelming evidence that the first round of samples were not representative of natural baseline conditions. When these exact same eighteen wells were sampled for the second and third time, the uranium concentration plummeted to levels far below the Environmental Protection Agency's maximum contaminant levels for human consumption.

It was only after Goliad County obtained the second and third rounds of sampling that UEC then submitted those results to the TCEQ. Importantly, the first round of samples were non-representative and should have been disregarded by the Commission. The Commission's

decision to simply average all three rounds of samples in reliance on non-representative samples was in plain violation of TCEQ rule 30 T.A.C. § 331.104.

C. The Commission erred in approving the Application for the Aquifer Exemption where the evidentiary record demonstrates that UEC failed to prove by a preponderance of the evidence that the application complies with all applicable TCEQ rules.

The Commission, in its Order approving UEC's request for an aquifer exemption, issued March 9, 2011, found that the requested aquifer exemption met the applicable criteria of 30 T.A.C. § 331.13 (Conclusion of Law No. 258). For a portion of an aquifer to be exempted, 30 T.A.C. § 331.13(c) requires that the portion of the aquifer (1) not currently serve as a source drinking water for human consumption; and (2) will not in the future serve as a source of drinking water for human consumption for one or more specified reasons (Conclusion of Law No. 259). However, the Commission's approval of the requested aquifer exemption submitted as part of the Mine Permit Application is contrary to the evidentiary record in this proceeding.

The requested aquifer exemption approved by the Commission covers approximately 423.8 acres within the larger Mine Permit Area and applies from a depth of 45 to 404 feet within the Goliad Formation (Finding of Fact No. 59). The subsurface of the requested aquifer exemption includes four distinct portions of the aquifer (Sand A, Sand B, Sand C and Sand D); with each layer being 423.8 acres, this represents a combined total of 1,695.2 acres. Despite the large size of each layer, UEC established water quality within Sand-A, Sand-C and Sand-D with a mere *five* water quality samples from each sand layer. As a result, substantial portions of the aquifer exemption area within and outside the uranium ore zones have never been sampled for water quality. Ultimately, these few number of water quality samples, along with the totality of the evidence in the record in this proceeding, do not indicate that water within the requested exemption is not being currently, or will not in the future, be used as a source of drinking water

fit for human consumption. To the contrary, the evidence showed that the water was currently being used, and would in the future be used, as a source of drinking water for humans.

Similarly, water quality samples from Sand-B indicate that most, if not all, of the groundwater within the proposed aquifer exemption within Sand-B is still a future source of drinking water fit for human consumption.[3] Accordingly, the Commission's Decision that the requested aquifer exemption satisfies TCEQ rule 30 T.A.C. § 331.13(c)(2) is contrary to the evidentiary record and is legal error pursuant to TEX. GOV'T. CODE § 2001.174.

Finally, there are approximately fifty domestic and agricultural water wells located within a one-kilometer radius of the proposed mining boundary. Each of these wells is believed to be screened at the same depths that uranium mining is being proposed. UEC's gerrymandering the aquifer exemption boundary to exclude these domestic water wells from physically being located within the boundary does not provide sufficient evidence that the groundwater within the requested aquifer exemption is not being currently used. To the contrary, the groundwater within the requested aquifer exemption supplies water to the domestic wells downgradient from the exemption location. Accordingly, the Commission's decision to grant the Aquifer Exemption under TCEQ rule 30 T.A.C. § 331.13(c)(1) is contrary to the evidentiary record and is legal error pursuant to TEX. GOV'T. CODE § 2001.174.

X. TRANSMISSION OF RECORD

Pursuant to TEX. GOV'T CODE § 2001.175, demand is hereby made that the Commission transmit the original or a certified copy of the entire record of the proceeding to the Court within the time permitted by law.

[3] Applicant UEC provided the Commission with more water quality data for Sand-B than other sands because Sand-B was the subject of PAA-1, which requires a minimum of one sample per four acres of production area.

XI. CONCLUSION

In conclusion, Plaintiffs contend the TCEQ Order granting the Application of UEC for issuance of a Class III injection well permit No. UR03075, Production Area Authorization No. 1 and an Aquifer Exemption Order, are fatally flawed and in error for the reasons set forth herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs requests that the Commission be cited and required to answer and appear herein, that a hearing be held, and that on final hearing hereof, Plaintiffs have judgment of the Court as follows:

1. Reversing and vacating the decisions of the Commission and remanding the matter back to the Commission for further proceedings; and
2. Awarding Plaintiffs costs incurred together with all other relief to which Plaintiffs may be entitled.

Respectfully submitted,

BLACKBURN CARTER, P.C.

by: _____

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CERTIFICATE OF SERVICE

On this 24th day of May, 2011, a true and correct copy of the foregoing instrument was served on all attorneys and parties of record by the undersigned via regular U.S. Mail, and/or Certified Mail/Return Receipt Requested, and/or the method designated below.

James B. Blackburn, Jr.

Richard R. Wilfong
Administrative Law Judge
State Office of Administrative Hearings
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Via U.S. Certified Mail/RRR

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CIVIL CASE INFORMATION SHEET

MAY ENTER CAUSE # / COURT # IF ALREADY ASSIGNED (E.G., FAMILY MOTION, AMENDED PETITION)

CAUSE NUMBER *(FOR CLERK USE ONLY)*: _____ COURT *(FOR CLERK USE ONLY)*: _____

STYLED Goliad County, Texas vs. Texas Commission on Environmental Quality et. al

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:

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Email: jbblaw@blackburncarter.com

Address: Blackburn Carter, P.C. 4709 Austin Street

Telephone: (713) 524-1012

City/State/Zip: Houston, Texas 77004

Fax: (713) 524-5165

Signature: [signature]

State Bar No: 02388500

Names of parties in case:

Plaintiff(s)/Petitioner(s): Goliad County, Texas, et al. (see attached list)

Defendant(s)/Respondent(s): Texas Commission on Environmental Quality

[Attach additional page as necessary to list all parties]

Person or entity completing sheet is:

- [x] Attorney for Plaintiff/Petitioner
- [ ] *Pro Se* Plaintiff/Petitioner
- [ ] Title IV-D Agency
- [ ] Other: _____

Additional Parties in Child Support Case:

Custodial Parent: _____

Non-Custodial Parent: _____

Presumed Father: _____

2. Indicate case type, or identify the most important issue in the case *(select only 1)*:

OPTION A: CK CASE TYPE (EXCEPT OTHER) FOR CLERK TO SELECT SUIT TYPE; SEE SEC. 3 NOTE BELOW

Civil

Contract

Debt/Contract
- [ ] Consumer/DTPA
- [ ] Debt/Contract
- [ ] Fraud/Misrepresentation
- [ ] Other Debt/Contract: _____

Foreclosure
- [ ] Home Equity—Expedited
- [ ] Other Foreclosure
- [ ] Franchise
- [ ] Insurance
- [ ] Landlord/Tenant
- [ ] Non-Competition
- [ ] Partnership
- [ ] Other Contract: _____

OPTION B: CK OTHER & ENTER 3-LETTER SUIT TYPE FOR CLERK TO USE WHEN DOCKETING

Injury or Damage
- [ ] Assault/Battery
- [ ] Construction
- [ ] Defamation

Malpractice
- [ ] Accounting
- [ ] Legal
- [ ] Medical
- [ ] Other Professional Liability: _____
- [ ] Motor Vehicle Accident
- [ ] Premises

Product Liability
- [ ] Asbestos/Silica
- [ ] Other Product Liability List Product: _____
- [ ] Other Injury or Damage: _____

Real Property
- [ ] Eminent Domain/ Condemnation
- [ ] Partition
- [ ] Quiet Title
- [ ] Trespass to Try Title
- [ ] Other Property: _____

Related to Criminal Matters
- [ ] Expunction
- [ ] Judgment Nisi
- [ ] Non-Disclosure
- [ ] Seizure/Forfeiture
- [ ] Writ of Habeas Corpus—Pre-indictment
- [ ] Other: _____

Employment
- [ ] Discrimination
- [ ] Retaliation
- [ ] Termination
- [ ] Workers' Compensation
- [ ] Other Employment: _____

Other Civil
- [x] Administrative Appeal
- [ ] Antitrust/Unfair Competition
- [ ] Code Violations
- [ ] Foreign Judgment
- [ ] Intellectual Property
- [ ] Lawyer Discipline
- [ ] Perpetuate Testimony
- [ ] Securities/Stock
- [ ] Tortious Interference
- [ ] Other: _____

Family Law

Marriage Relationship
- [ ] Annulment
- [ ] Declare Marriage Void

Divorce
- [ ] With Children
- [ ] No Children

Post-judgment Actions (non-Title IV-D)
- [ ] Enforcement
- [ ] Modification—Custody
- [ ] Modification—Other

Title IV-D
- [ ] Enforcement/Modification
- [ ] Paternity
- [ ] Reciprocals (UIFSA)
- [ ] Support Order

Other Family Law
- [ ] Enforce Foreign Judgment
- [ ] Habeas Corpus
- [ ] Name Change
- [ ] Protective Order
- [ ] Removal of Disabilities of Minority
- [ ] Other: _____

Parent-Child Relationship
- [ ] Adoption/Adoption with Termination
- [ ] Child Protection
- [ ] Child Support
- [ ] Custody or Visitation
- [ ] Gestational Parenting
- [ ] Grandparent Access
- [ ] Parentage/Paternity
- [ ] Termination of Parental Rights
- [ ] Other Parent-Child: _____

Tax
- [ ] Tax Appraisal
- [ ] Tax Delinquency
- [ ] Other Tax

Probate & Mental Health

Probate/Wills/Intestate Administration
- [ ] Dependent Administration
- [ ] Independent Administration
- [ ] Other Estate Proceedings
- [ ] Guardianship—Adult
- [ ] Guardianship—Minor
- [ ] Mental Health
- [ ] Other: _____

3. Indicate procedure or remedy, if applicable *(may select more than 1)*:

- [ ] Appeal from Municipal or Justice Court
- [ ] Arbitration-related
- [ ] Attachment
- [ ] **Bill of Review**
- [ ] Certiorari
- [ ] **Class Action**
- [ ] **Declaratory Judgment**
- [ ] **Garnishment**
- [ ] **Interpleader**
- [ ] **License**
- [ ] **Mandamus**
- [ ] Post-judgment
- [ ] Prejudgment Remedy
- [ ] **Protective Order**
- [ ] **Receiver**
- [ ] **Sequestration**
- [ ] Temporary Restraining Order/**Injunction**
- [ ] Turnover

OPTION C: SECTION 3 PROCEDURES/REMEDIES IN BOLD MAY BE USED AS CASE OR SUIT TYPES. YOU MAY SPECIFY THAT ONE OF THESE PROCEDURES/REMEDIES BE USED AS A SUIT TYPE BY CHECKING IT AND LEAVING THE CASE TYPE IN SECTION 2 BLANK. SELECTING A CASE TYPE IN SECTION 2 OVERRIDES ANY SELECTION IN SECTION 3.

CIVIL CASE INFORMATION SHEET

STYLED Goliad County, Texas, et. al. v. Texas Commission on Environmental Quality

1. Names of parties in case: (continued)

Goliad County Farm Bureau
Pat Calhoun
Reta Brown
Ginger and Lynn Cook