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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 16, 2012

91 7108 2133 3935 1936 0479
CERTIFIED MAIL

Mr. William K. Honker, P.E.
Acting Director
Water Quality Protection Division
United States Environmental Protection Agency (EPA)
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Amended Request for Approval of Non-Substantial Underground Injection Control (UIC) Program Revision to Establish an Aquifer Exemption in the Goliad Formation, Goliad County

Dear Mr. Honker:

Please accept this amendment to TCEQ's pending request for approval of a non-substantial UIC Program revision to identify an exempted aquifer in the Goliad Formation in Goliad County. The TCEQ issued an order on April 29, 2011, designating a portion of the Goliad Formation as an exempt aquifer associated with UEC's in situ uranium mining project. In a letter dated May 24, 2011, the TCEQ submitted a request to EPA for approval of a non-substantial revision of the TCEQ's authorized UIC program to the exempted aquifer.

Notwithstanding the TCEQ's opinion that the submitted program revision request meets all applicable regulatory requirements, in a letter dated October 3, 2012 (received October 4, 2012), UEC has requested that the TCEQ's program revision to EPA be revised to reflect the following changes to this aquifer exemption:

> The exempt area for Sand A be reduced from 423.8 acres to 96.17 acres; and
>
> The exempt area for Sand B, Sand C, and Sand D be reduced from 423.8 acres to 307.03 acres.

In the exempt area for Sand A, the exemption will extend for a depth of 45 feet to 110 feet. In the exempt area for Sands B, C, and D, the exemption will extend from a depth of 110 feet to 404 feet. A copy of UEC's correspondence and a map of the revised area are enclosed. UEC explains that approximately 117 acres have been removed from the original exempted area for Sands B, C, and D, and 327.63 acres have been removed from the original area for Sand A and that private water wells within the buffer zone surrounding the revised area are not capturing groundwater from the designated exempted aquifer. The revised and reduced portion of the aquifer is completely within the exempted aquifer approved by the TCEQ on April 29, 2012; no additional portions of the aquifer are proposed to be exempted. Although the TCEQ does not consider this

demonstration necessary for EPA to approve TCEQ's program revisions request, the TCEQ agrees with the information provided by UEC and believes that the reduction in the size of the exempted aquifer will alleviate all EPA's concerns on the designation of this exempted aquifer. Accordingly, the TCEQ amends the pending program revision for this aquifer exemption to reflect this reduction in area as depicted on the enclosed map. With the exception of the reduced area of the exempted aquifer, all other information previously provided to EPA by TCEQ should continue to be considered as part of our program revision.

In accordance with 40 CFR §§144.7, 145.32, and 146.4, the TCEQ asks for your approval of this amended non-substantial program revision. If you have any questions or comments regarding this matter please contact me at charles.magurie@tceq.texas.gov. If you will be responding by letter, please include mail code MC 233 in the mailing address.

Sincerely,

Charles W. Maguire, Director
Radioactive Materials Division
Office of Waste
Texas Commission on Environmental Quality

CWM/DHM/nlc

Enclosures

cc: Mr. Jose Torres, EPA Region 6, 6WQ-S

bcc: David H. Murry, TCEQ Radioactive Materials Division