

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** WCS License L-5807 File **Date:** August 31, 2007

**Thru:** Susan Jablonski, P.E.  
Division Director, Radioactive Materials Division

Gary Smith, Ph.D.  
Manager, Technical Assessments Group

**From:** Patricia Bobeck, P.G.  
Conrad Kuharic, P.G.

**Subject:** Final Technical Review: Geology/Hydrogeology Review of the Waste Control Specialists, LLC, Application for a License for a Byproduct Material Disposal Facility, Andrews County, Texas.

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This final technical review (TR) was performed in accordance with the regulatory requirements of Title 25, Texas Administrative Code (TAC) §289.260; specifically the applicable portions of §289.260(c), Definitions, §289.260(f), Special requirements for a license application for uranium recovery and byproduct material disposal facilities, and §289.260(o) Technical Requirements.

The application is officially described as follows: Waste Control Specialists. 2007. Cover letter from D. Kunihiro, WCS to G. Smith, TDSHS dated January 12, 2007, transmitting seven copies of Revision 13. Application was completely revised and updated, consisting of 15 binders (Volumes 1 through 12, and A, B, and C). Four minor revisions and an omission followed: Revision 14 - February 27, 2007; Revision 15 - May 4, 2007; Revision 16 - May 18, 2007; Revision 17 - June 4, 2007; a copy of omitted Table 3.1 - July 13, 2007, and a supplemental letter, dated August 23, 2007.

The Staff review of the license application as submitted and subsequently amended indicates that the application contains inconsistencies and contradictions and lack of detailed geologic data resulting in an incomplete geological characterization. In addition, hydrogeologic uncertainties and unknowns and modeling that shows water encroachment into the byproduct material landfill shows that the application lacks the requirements to demonstrate compliance with the rules of 25 TAC §289.260. Staff are unable, therefore, to state that the byproduct materials facility application complies with 25 TAC §289.252(e)(3).

The sources of most of the information in this final review include the applicant's original application and all subsequent revisions and amendments submitted in response to requests for information and clarification from the TDH/DSHS/TCEQ.