



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

March 16, 2012

Mr. Brent Wade, Deputy Director
Office of Waste
Texas Commission on Environmental Quality
MC 123
P.O. Box 13087
Austin, TX 78711-3087

SUBJECT: SUMMARY OF PERIODIC MEETING WITH TEXAS COMMISSION OF
ENVIRONMENTAL QUALITY HELD ON FEBRUARY 22, 2012

Dear Mr. Wade:

A periodic meeting was held with Ms. Susan Jablonski and members of her staff, and Mr. Kelly Cook and members of his staff, on February 22, 2012, at the offices in Building F, Austin, Texas. Based on the results of the April 2010 Integrated Materials Performance Evaluation Program (IMPEP), the Management Review Board (MRB) concurred with the team's recommendation that the next full review of the Texas Agreement State Program be scheduled for February 2014, and a periodic meeting should tentatively be scheduled for February 2012. The purpose of this periodic meeting is to fulfill that requirement in order to review and discuss the overall implementation of the Texas Agreement State Program.

We have completed and enclosed a general meeting summary. If you or your staff determines that our conclusions do not accurately summarize the meeting discussion, or if there are any additional remarks or questions regarding the meeting, please contact me at 817-200-1116 or by e-mail at Rachel.Browder@nrc.gov to discuss your concerns. The Special MRB for this Periodic Meeting will be held on April 5, 2012, from 1-3 PM EDT. The NRC may be able to support a videoconference, if requested. Please contact Karen Meyer at 301-415-0113 to coordinate a videoconference for the Special MRB.

Sincerely,

/RA/

Rachel S. Browder, *CHP*
Regional State Agreements Officer

Enclosure:
Texas Periodic Meeting Summary

cc w/enclosure:

Susan Jablonski, P.E., Director
Radioactive Materials Division
Texas Commission on Environmental Quality
MC 233
P.O. Box 13087
Austin, TX 78711-3087

Mr. Kelly Cook, Director
Critical Infrastructure
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
MC 177
P.O. Box 13087
Austin, TX 78711-3087

Mr. Dale Kohler, Manager
Homeland Security Section
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
MC 177
P.O. Box 13087
Austin, TX 78711-3087

Internal distribution via e-mail w/enclosure:

- Roy Caniano, D:DNMS
- Vivian Campbell, DD:DNMS
- Brian McDermott, D:FSME/MSSA
- Pam Henderson, ADD:FSME/MSSA
- Duncan White, BC:FSME/MSSA
- Rachel Browder, RSAO
- Randy Erickson, RSAO
- Lisa Dimmick, FSME
- Janine Katanic, FSME
- Michelle Beardsley, FSME
- Karen Meyer, FSME

ML12076A195

S:\DNMS\!SAO\Periodic Meetings\2012\Texas\TX TCEQ Periodic Meeting Summary.doc

ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> SUNSI Rev Complete	Reviewer Initials:	RSB
Publicly Available	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitivity:	Nonsensitive	
RIV:RSAO				
RSBrowder; rsb				
<i>/RA/</i>				
3/ 16 /12				

OFFICIAL RECORD COPY

TEXAS TCEQ PERIODIC MEETING SUMMARY

Date of Meeting: February 22, 2012

Attendees

NRC	TEXAS - TCEQ
Rachel Browder, RSAO	Susan Jablonski, P.E., Director Radioactive Materials Division
Janine Katanic, Ph.D., FSME	Lorrie Council, Section Manager, Radioactive Materials Division
Stephen Poy, FSME	Kelly Cook, Director Critical Infrastructure Division
	Dale Kohler, Manager, Homeland Security Section Critical Infrastructure Division
	Muhammadali Abbaszadeh, HP, Homeland Security Critical Infrastructure Division
	Sonia Simmons, Inspector, Homeland Security Critical Infrastructure Division
	Phil Shaver Uranium & Technical Assessments Section

DISCUSSION:

The Texas Agreement State Program is administered by the Department of State Health Services (DSHS), which regulates approximately 1700 specific licenses authorizing byproduct, source and certain special nuclear materials (radioactive materials), and the Texas Commission of Environmental Quality (TCEQ), which has regulatory responsibility for uranium recovery and the low-level radioactive waste (LLRW) program in the state. Both, DSHS and TCEQ are granted legal authority through the Texas Radiation Control Act, Chapter 401 of the Texas Health and Safety Code. TCEQ received jurisdiction of the uranium recovery program effective June 2007, just prior to the last IMPEP review. The Texas Radiation Control Act was amended to reflect this change.

The program for uranium recovery and low-level radioactive waste is organized under two offices within TCEQ. The Office of Waste, Radioactive Materials Division performs licensing for the uranium recovery, including 11e.(2) byproduct decommissioning program, underground injection control (UIC) permits, which is an Environmental Protection Agency (EPA) delegated program, and the LLRW program. The Office of Compliance and Enforcement, Homeland Security Section performs the inspection activities for the program.

The last IMPEP review was conducted the week of February 22-26, 2010. The review team recommended, and the Management Review Board (MRB) agreed, that the Texas Agreement State Program be found satisfactory for all nine performance indicators reviewed. Overall, the Texas Agreement State Program was found adequate to protect public health and safety and compatible with NRC's program.

Enclosure

Based on the results of the 2010 IMPEP Review, the MRB concurred that the next full review of the Texas Agreement State Program is to take place in approximately four years from this review, and a periodic meeting will be tentatively scheduled for February 2012. The purpose of this periodic meeting is to fulfill that requirement in order to evaluate the overall implementation of the Agreement State Program. The following summary for the periodic meeting with TCEQ is one half of the review for the Texas Agreement State Program. A separate periodic meeting was held with DSHS on February 23, 2012, and a separate summary report was generated. The summary report for DSHS may be found on the ADAMS website under accession number ML12075A040. Both summary reports, for DSHS and TCEQ, will be presented to the Special MRB on April 4, 2012.

Uranium Recovery Program

Staffing and Training for Uranium Recovery

The Radioactive Materials Division, Uranium and Technical Assessments section licenses the uranium recovery and 11.e(2) byproduct material disposal program, and is staffed with ten positions and one manager. The positions include professional engineers, a hydrologist, geologists, health physicists, including a certified health physicist. In addition, TCEQ utilizes contracted support for specific task reviews. The Uranium Recovery program lost two FTE as a result of reductions across state agencies. Three positions were vacated since the last IMPEP; however, all three positions have been filled. This is indicative of the continued support by TCEQ for the program, since there are hiring freezes at many state agencies in Texas.

The Radioactive Materials Division uses a functional job description for each position. Training requirements are developed based on an individual assessment of each staff member and the document becomes a part of the individual's annual performance assessment and career enhancement development. The Division conducts on-the-job training, where newly hired staff members assist experienced staff in the field or during specific project reviews. The Division indicated that the current staffing level is adequate to support the current and future licenses in the uranium recovery program.

The Homeland Security Section was moved under the Office of Compliance and Enforcement, since the last IMPEP review. The Homeland Security Section performs inspections for the uranium recovery and 11.e(2) byproduct material disposal program. The Homeland Security Section utilizes two staff members and one supervisor to implement the program, in addition to other responsibilities under the Homeland Security Section. Both of the staff members in the Homeland Security Section perform inspections. One inspector is fully qualified and the second staff member is in the process of becoming fully qualified. The expectations for training and qualifications are captured in the individual's annual performance assessment and career enhancement development. The Homeland Security Section indicated that they would assess the criteria established for inspector qualifications to make certain management and staff were each aware of the criteria and that progress towards completing the qualification

program was ensured. The Homeland Security Section indicated that the current staffing level for inspection activities is adequate to support the current and future licenses in the uranium recovery program.

Inspection Program for Uranium Recovery

TCEQ is in the process of developing a database to maintain the licensing and inspection actions for all licenses, which will include the capability for TCEQ to access licenses on their internal website. Currently, the Radioactive Materials Division under the Office of Waste maintains the file for each license. The Homeland Security Section typically performs the routine inspections for the uranium recovery program on an annual basis, consistent with IMC 2801, "Uranium Mill and 11e.(2) Byproduct Material Disposal Site and Facility Inspection Program." However, the Homeland Security Section indicated that some of the inspection intervals may vary depending on the different phases of the facility, such as construction, operational, or reclamation; but the interval is commensurate with the health and safety risks of the facility. The variance in the inspection frequency is consistent with the guidance in IMC 2801. In addition, staff members from the Radioactive Materials Division accompany the field inspectors from the Homeland Security Section.

The Homeland Security Section described that they implement performance-based inspections and perform the record reviews as necessary, which is consistent with IMC 2801. The inspectors stated that any potential violations are identified for management review and assessment. Once the inspection and potential violations are finalized by the Homeland Security Section, then a formal correspondence letter is signed by the Director, Critical Infrastructure and issued to the licensee. The program typically requests a 30-day response for corrective action from the licensee. Depending on the level of enforcement, the actions may be issued by the Homeland Security Section under Critical Infrastructure, or may be transferred to the Enforcement Section for further action, including civil penalties.

The Radioactive Materials Division stated that they perform the necessary pre-operational reviews for new uranium recovery licenses, including the UIC permits. All though there have been UIC permits requested and approved by TCEQ, the EPA has not concurred on any new in-situ leach fields over the past two years.

Licensing Program for Uranium Recovery

The Radioactive Materials Division has issued several new licenses and UIC permits since the last IMPEP review. Division staff perform site visits as appropriate to support the review of the proposed licensing actions. Draft licensing actions are shared with the inspection staff for review and comment prior to issuance. There are currently 11 licenses in the uranium recovery and byproduct material 11.e(2) disposal program as described in Attachment 1. NRC staff discussed the review process for making the determination that all applicable standards and requirements have been met prior to Agreement State uranium mill license termination, as required by 10 CFR 150.15(a) and Section 274c of the Atomic Energy Act of 1954, as amended (Act). This included a

discussion of SA-900, "Termination of Uranium Milling Licenses in Agreement States." The Division discussed with NRC a tentative time-line for submittal of draft Completion Review Reports for pending uranium mill terminations, to the NRC for review. The Division and NRC both agreed that it was important to engage each other early, especially for any complex or atypical issues associated with any of the sites.

Low-Level Radioactive Waste (LLRW)

Staffing and Training for LLRW

The Radioactive Materials Division, Radioactive Materials Licensing section licenses the LLRW disposal program, which is staffed by eight positions and one manager. In addition, the Division uses multiple contractors to support the engineering, structural, environmental, geological, and ecological and cultural impact assessments. The overall Radioactive Materials Division lost two FTE as a result of reductions across state agencies. Additionally, the Division had several positions vacated since the last IMPEP review. The vacated positions have been filled, except for two. It is anticipated that these two recently vacant positions will also be filled. The Division indicated that they conduct on-the-job training, where newly hired staff members assist experienced staff in the field or during specific project reviews. Training requirements are developed based on an individual assessment of each staff member and the document becomes a part of the individual's annual performance assessment and career enhancement development.

The Homeland Security Section under the Office of Compliance and Enforcement performs the inspections for the Waste Control Specialists, LLC (WCS) LLRW disposal facility (Texas Compact disposal facility). The program utilizes the two field inspectors, who perform the inspections for the uranium recovery and the LLRW program and two resident inspectors at the LLRW site. One of the field inspectors is fully qualified and the second field inspector is in the process of completing the inspection qualification program. The Homeland Security Section indicated that they would assess the criteria established for each field inspector's qualifications to make certain management and staff were each aware of the criteria and that progress towards completing the qualification program was ensured.

The Division hired two full-time resident inspectors for the WCS LLRW disposal site, under the Homeland Security Section. The Homeland Security Section considers the resident inspectors qualified for the tasks that they perform.

The Division indicated that the current staffing level is adequate to support the LLRW disposal program.

Inspections for LLRW

One new Homeland Security resident inspector was onsite at the WCS LLRW disposal facility as of January 2010, and the second resident inspector was onsite as of September 2011. The two resident inspectors are reviewing the construction and pre-operational activities ongoing at the LLRW disposal site. The resident inspectors update weekly reports, which are provided to the Homeland Security Section office. TCEQ indicated that the licensing staff under the Radioactive Materials Division have been performing the necessary readiness review inspections to ensure the engineering, construction, pre-operational compliances were being met. There appears to be a lot of interaction and communication between the Radioactive Materials Division and the Homeland Security Section. The two offices maintain weekly meetings to discuss the status of the LLRW disposal program, the upcoming priorities as well as essential elements of information.

The Homeland Security Section indicated that they anticipate the resident inspectors will be reviewing each manifest and will perform daily inspections at the LLRW facility. The Homeland Security Section was developing an overarching inspection procedure to assess the licensee's performance. In addition, they were developing a procedure for inspection of waste shipments. The Homeland Security Section related that they anticipate developing the necessary inspection modules to support the overall inspection program. The Homeland Security Section projected that they will perform team inspections every six months to review the licensee's implementation of the license conditions and regulatory requirements. TCEQ anticipates that the team inspections will be supported by both the Radioactive Materials Division and the Homeland Security Section. The Homeland Security Section indicated that they will focus on elements such as, manifests, transportation and health physics compliance, while the Radioactive Materials Division will focus on elements such as, structural, engineering, contaminant transport and environmental compliance.

Licensing for LLRW

There are two agencies responsible for regulating different aspects of LLRW disposal under the Section 274b Agreement at the Texas LLRW disposal facility. DSHS regulates shipping and transportation of LLRW to the Texas disposal facility, and TCEQ is responsible for licensing the Texas disposal facility.

The Texas LLRW disposal facility construction license was authorized by TCEQ on January 7, 2011, and the site operator, WCS immediately began construction. The Texas disposal facility will consist of the Compact Waste Disposal facility (CWF) which will accept Class A, Class B, and Class C wastes from the Texas Compact (includes Texas and Vermont), and the Federal Waste Disposal Facility (FWF) which contains two separate areas. One area will be for LLRW for containerized disposal units (FWF-CDU) authorized to receive Class A, Class B, and Class C wastes. The second area is for low-level mixed waste for non-containerized disposal units (FWF-NCDU) authorized to receive low-hazard Class A federal waste, only.

The containerized waste will be placed inside canisters within either the CWF or FWF-CDU, and each canister will be filled with a flowable concrete grout to eliminate internal void spaces. Void spaces between the canisters will be back-filled with granular material to eliminate void spaces. Large components that will not fit into concrete canisters will be grouted in place during final disposal at either containerized facility. TCEQ indicated that as of February 13, 2012, construction of the CWF and common area facilities was substantially complete. TCEQ is reviewing the licensee's submitted documentation certifying construction to the license design. TCEQ indicated that construction work continues at the FWF and is estimated to be substantially complete later in 2012. TCEQ provided a summary of the license amendments submitted as part of the LLRW disposal facility, and the corresponding status. The next large license amendment will be number 12, which includes the Waste Acceptance Plan. TCEQ projected that license amendment number 17 may address importation of wastes. TCEQ indicated that two additional license amendments would be addressed prior to TCEQ authorization for the beginning of the acceptance of commercial LLRW at the CWF.

TCEQ has used the staff in the Radioactive Materials Division as well as contracted staff, as previously discussed, to review, accept and authorize the LLRW disposal facility. TCEQ utilized GoldSim, which is a Monte Carlo simulation software, to analyze the design, site operations, closure, post-closure stabilization, and to the period when active institutional controls end. The analyses used peak-dose as part of the performance assessment for the facility.

DSHS is responsible for registering shippers (e.g., licensee or broker) and transporters of LLRW to the Texas LLRW disposal facility. The status of the DSHS responsibility is described in the DSHS periodic meeting summary, which is available in ADAMS under accession number ML12075A040.

TCEQ approved the financial surety for the LLRW disposal facility by allowing WCS to use stock in a publicly traded sister company. The stock was transferred to a trust account to cover potential liabilities and to ensure that money is available for decommissioning. After five years, the stock has to be replaced with traditional forms of financial assurance.

On February 3, 2012, TCEQ submitted a *Notice* in the Texas Register for the proposed Low-Level Radioactive Waste Rate Application, Preliminary Decision, and Opportunity for a Contested Case Hearing. TCEQ completed a review of the licensee's rate application and prepared a recommended schedule for the maximum disposal rates based on information submitted by the licensee and the Texas statutory and rule requirements. The 30-day comment period will end on March 5, 2012. If a hearing is not requested then TCEQ will issue final approval of the Executive Director's recommended rates. Upon the Commissioners' approval for rulemaking, the final approved rates will be established by rule as the maximum disposal rates for disposal of compact low-level radioactive waste. If a timely hearing request is filed, then the

recommended rates will not be issued and the rate application will be forwarded to the State Office of Administrative Hearings for a hearing on the rates proposed by WCS.

Response to Incidents and Allegations

The Homeland Security Section will respond to incidents for the uranium recovery program and Texas disposal facility. During the review period there were no incidents reported. During the summer of 2011, one of the inspectors responded to a brush fire at one of the in-situ leach recovery facilities. The inspector was able to monitor the area and direct local fire and emergency response personnel. In addition, the licensee responded and monitored the area. There were no impacts to the processing facility and the incident did not meet NRC reporting requirements.

The Homeland Security Section described that they would respond to allegations for the uranium recovery program and the Texas disposal facility. The Homeland Security Section reviews the allegations to determine whether the concern is substantiated or not. The Homeland Security Section closes all allegations with a letter to the concerned individual or by letter to file, if the concern was anonymous.

Regulations and Legislative Changes

TCEQ is up to date on the submittal of regulatory amendments currently required for compatibility, and they have a process in place to submit their final regulations and address any of the respective comments which have or may be identified. This includes addressing the final comments for one regulatory package: (RATS ID 1999-1). The Division indicated they will address the comments from the proposed rule packages for (RATS ID 2005-3), (RATS ID 2006-3), and (RATS ID 2007-3), and submit to NRC as final. In addition, the Division indicated they will submit the final regulations for (RATS ID 2008-1) to the NRC for review.

TCEQ identified several proposed rule changes to their regulations regarding the Texas compact. While these regulations do not have a corresponding rule in the Code of Federal Regulations (CFR), they are covered under the Section 274b Agreement. TCEQ indicated that they would submit the proposed regulations to the NRC for review to ensure there are no conflicts, duplications or gaps that may impact TCEQ's authority to implement the Agreement.

On May 28, 2011, the Texas Senate and the Texas House of Representatives adopted the TCEQ Sunset legislation, HB 2694, which was signed by the Governor on June 17, 2011. The legislation continues the agency for 12 years. This includes the TCEQ Radioactive Materials Division and Critical Infrastructure Division.

TCEQ stated that the Sunset Commission recommended that TCEQ clarify the Compact Commission's funding mechanism. TCEQ agreed with this recommendation and expects that revenues to support the regulatory activities will be deposited to the existing General Revenue Dedicated Low-Level Waste Account. TCEQ stated that the following modifications have been implemented:

1. The Compact Commission will not be attached financially to a state organization that has a specific role within the Compact and, which could take different positions from the Compact Commission that may lead to tangible effects regarding the Commission's ability to operate.
2. Require the annual budget reporting by the Compact Commission to be publicly available and provide legislative guidance on reasonable and allowable expenditures to the Compact Commission.
3. Fund the Compact Commission out of the General Revenue Dedicated Low-Level Radioactive Waste account until the low-level radioactive waste disposal site is operational and the Compact Commission is receiving revenue from disposal fees.

Emerging Technologies

The TCEQ remains very interested in the possible impacts to Texas of future NRC actions related to LLRW. The TCEQ is also very interested in any changes and/or development related to uranium mining as it has recently licensed two new in situ mining sites in Texas with several others expected to be on the horizon.

Large, Complicated, or Unusual Authorizations for use of Radioactive Materials

The WCS LLRW disposal license remains the most time-consuming project for the TCEQ's Radioactive Materials Division. TCEQ indicated there will be many requested changes to the license that will require their focus into the next year. The Division is also working on the following three legislative studies related to LLRW. TCEQ indicated that they should be completed prior to the next legislative session in January 2013.

1. Study on Texas Compact waste and potentially imported nonparty waste projections with recommendations on impacts to the CWF capacity, calculation of radioactive decay in radiation dose assessments to the public, use of containers for waste; and public health and safety effects of projected waste;
2. Study on the adequacy of financial assurance amounts and mechanisms in light of post-closure risks and state liability; and
3. Study on surcharge revenue from imported nonparty waste including review of operational costs, justifiable operator expenses and overall revenue.

TCEQ indicated that both, DSHS and TCEQ can issue exemptions with respect to alternate disposal by rulemaking, since the state does not have equivalent regulations to 10 CFR 20.2002. TCEQ was well informed regarding the issues surrounding jurisdiction and the issuance of exemptions for the disposal of waste for Texas licensees in the state and for the transfer of waste to facilities outside of Texas jurisdiction. TCEQ understood that they have regulatory authority over the issuance of exemptions for any waste to be disposed of at the Texas disposal facility or any other RCRA disposal facility in Texas.

TCEQ also understood that Texas waste generator licensees requesting an exemption for alternate disposal would go to DSHS for approval.

Current State Initiatives

TCEQ is currently focused on getting the Texas CWF operational and accepting Texas Compact waste. Additionally, the TCEQ has begun the formal disposal rate-setting process. The WCS disposal rate application has been Noticed in the *Texas Register* for public comment and opportunity for contested case.

TCEQ is pursuing rulemaking to allow for general permitting of injection wells into bedded salt for the disposal of treatment residuals containing NORM from drinking water systems.

TCEQ Radioactive Materials Division currently is using a new system, ARTS (Authorization and Remediation Tracking System) for tracking licensing actions and all incoming correspondence items.

State's Mechanisms to Evaluate Performance

TCEQ performs accompaniments of staff and contractors at all three WCS licensed facilities and uranium recovery facilities. In addition, the Radioactive Materials Division underwent an internal audit by the TCEQ Chief Auditor's Office. TCEQ expressed that internal auditors generally ensure compliance with laws, regulations, and policies, as well as completeness and accuracy of reported information.

Current NRC Initiatives

NRC staff discussed ongoing Office of Federal and State Materials and Environmental Management Programs (FSME) initiatives with the Texas representatives. This included a review of strategic FSME and RCPD letters, as well as proposed rulemaking and Regulatory Issues Summaries.

CONCLUSION:

The Texas uranium recovery and low level radioactive waste program continues to implement an adequate program and is compatible with NRC's program. The program staff appear to be experienced and training is continuing to be completed.

Schedule for the Next IMPEP Review

NRC staff recommends that the next IMPEP review be held, as currently scheduled, in FY 2014.

Attachment 1
Uranium Recovery Program Licenses

Licensee	License Number	Comments
ExxonMobile Company Ray Point Mill Site	R01431	Closed - conventional mill Tailing impoundment Reclamation
ConocoPhillips Corporation Conquista Project	R01634	Closed - conventional mill Tailings impoundment
Rio Grande Resources Corp. Panna Maria Mill Site	R02402	Closed - conventional mill Decommissioned - Observation Period TCEQ is reviewing an application for alternate concentration limits (ACL) for groundwater impacts
Uranium One Holiday/EI Mesquite O'Hern West Cole	R03024	Post Closure ISL West Cole: Obtained NRC concurrence Holiday/EI Mesquite and O'Hern: Completed decommissioning, TCEQ anticipates providing a draft CRR to NRC by mid-2012
South Texas Mining Venture Hobson Tex-1 Mt. Lucas	R03626	Hobson: Active processing plant (La Palangana Project). Tex-1: Post-Closure, remote IX and wellfield facility. TCEQ preparing draft CRR for submittal to NRC Mt. Lucas: Closed, remote IX and wellfield facility. Site surveyed except for one area.
URI, Inc. (3 active sites - standby) Kingsville Dome Rosita Project Vasquez Project	R03653	Kingsville Dome and Rosita Project: Full processing plants - standby status Vasquez Project: Remote IX facility, mining has ceased & GW restoration is being conducted.
Mestefia Uranium, Inc. Alta Mesa Project	R05360	Full processing plant Pregnant lixiviant to dried yellowcake with accompanying wellfields
South Texas Mining Venture, LLP La Palangana Project	R06062	ISL - active
Uranium Energy Corp. Goliad Project	R0606	ISL - Pre-Operational
Signal Equities, LLC Brevard Project	R06065	ISL- Pre-Operational

Licensee	License Number	Comments
Rio Grande Resources Corporation	R06063	New Applicant - Processing Plant, no associated wellfields
International Energy Corp	Revoked	Legacy Case, license revoked by DSHS for failure to pay fees, settlement reached with TCEQ, completed characterization, GW has been restored, remediation phase ongoing