

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 28, 2014

2014 OCT 28 PM 4: 21
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bridget C. Bohac
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Petition from the City of Mission to revoke Agua Special Utility District's TPDES Permit No. WQ0014415003

Dear Ms. Bohac:

I have enclosed the Executive Director's Response to Petition to Revoke. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Stefanie Skogen".

Stefanie Skogen
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing list

TPDES Permit No. WQ0014415003

PETITION FROM THE CITY OF
MISSION TO REVOKE AGUA
SPECIAL UTILITY DISTRICT'S
(SUD'S) TEXAS POLLUTANT
DISCHARGE ELIMINATION
SYSTEM (TPDES) PERMIT NO.
WQ0014415003

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BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

2014 OCT 28 PM 4:21
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PETITION TO REVOKE

On September 12, 2014, the City of Mission (Mission) filed a Petition to Revoke TPDES Permit under title 30, section 305.66 of the Texas Administrative Code, requesting that the Texas Commission on Environmental Quality (Commission or TCEQ) revoke Agua SUD's TPDES Permit No. WQ0014415003 because Agua SUD failed to list Mission as the city in which Agua SUD's facility site and outfall will be located. The Executive Director (ED) has reviewed the petition and recommends that the Commission deny the petition. In the alternative, if the Commission chooses to refer the matter to the State Office of Administrative Hearings (SOAH) for a public hearing, the ED recommends five issues to refer to SOAH.

I. FACILITY DESCRIPTION

Agua SUD's TPDES Permit No. WQ0014415003 authorizes the discharge of treated domestic wastewater effluent at an annual average flow not to exceed 7.55 million gallons per day. The East Agua Wastewater Treatment Facility will be an activated sludge process plant with a sequential batch reactor system. Treatment units will include a grit chamber, aerobic digester, gravity thickener, ultraviolet disinfection chamber, bar screens, and sequencing batch reactors. The facility has not been constructed. The effluent limits in the permit, based on a thirty-day average, are 10 milligrams per liter (mg/L) five-day carbonaceous biochemical oxygen demand, 15 mg/L total suspended solids, 2 mg/L ammonia nitrogen, 6 mg/L minimum dissolved oxygen, and 126 colony-forming units or most probable number of *E. coli* per 100 milliliters of effluent. Agua SUD will use an ultraviolet light system for disinfection purposes.

The wastewater treatment facility will be located approximately one mile south of West Loop 374 on the east side of Goodwin Road in Hidalgo County, Texas 78572. The treated effluent will be discharged to Hidalgo County Drainage Ditch (Bates Lateral), then to Perezville Drain, then to Arroyo Colorado Above Tidal in Segment No. 2202 of the Nueces-Rio Grande Coastal Basin.

II. BACKGROUND

The TCEQ received Agua SUD's permit application on September 24, 2012, and declared it administratively complete on November 9, 2012. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on November 19, 2012, in English in *The Monitor* and in Spanish in *El Nuevo Herald*. ED staff completed the technical review of the application on December 12, 2012, and prepared a draft permit. The Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) was published on March 26, 2013, in English in *The Monitor* and on March 29, 2013, in Spanish in *El Nuevo Herald*. The public comment period ended on April 29, 2013, with no comments submitted. The ED issued the permit on May 17, 2013, with an expiration date of June 1, 2015. The TCEQ did not receive any motions to overturn. Mission mailed a notice of intent to file a petition to revoke to Agua SUD on August 28, 2014. Mission filed its petition to revoke with the TCEQ on September 12, 2014. The House Bill 801 procedural rules do not apply to a petition to revoke.

III. LEGAL AUTHORITY

A. Mailed notice

As part of the permit application process at the TCEQ, the Office of the Chief Clerk (CCO) is required to mail notice to "the mayor and health authorities of the city or town in which the facility is or will be located or in which waste is or will be disposed of."¹ The name of the city or town that needs to receive notice comes from the completed application. For a municipal TPDES permit application, this information is found in Domestic Administrative Report 1.0. CCO must also mail notice to "the landowners named on the application map . . . or the sheet attached to the application map."² For a municipal TPDES permit application, this information is submitted as part of Domestic Administrative Report 1.1. The information must include the adjacent landowners' names and addresses "as can be determined from the current county tax rolls or other reliable sources."³

B. Petition to revoke

A TPDES permit is not a vested right and can be revoked for good cause after the Commission provides an opportunity for a public hearing.⁴ Commission rules at section 305.66(a) list the circumstances that encompass good cause, which includes "the permittee's failure in the application . . . to disclose fully all relevant facts, or the permittee's misrepresentation of relevant facts at any time." Any person affected by an issued permit may file a petition to revoke that permit with the TCEQ.⁵ At least fifteen days before filing its petition, the petitioner must notify the permittee of its intention to

¹ 30 TEX. ADMIN. CODE § 39.413(2) (West 2014).

² *Id.* § 39.413(1).

³ *Id.* § 305.48(a)(2).

⁴ TEX. WATER CODE ANN. § 7.302(b) (Vernon 2008); 30 TEX. ADMIN. CODE § 305.66(a).

⁵ 30 TEX. ADMIN. CODE § 305.66(d).

file a petition and provide the permittee with a copy of the petition.⁶ Unless the Commission intends to deny the petition, if the permittee does not consent to the revocation, the Commission shall conduct a public hearing on the petition.⁷ The Commission may revoke a permit if it finds after notice and hearing that the permittee “made a false or misleading statement in connection with an original . . . application.”⁸ However, before doing so, the Commission must find that the violation is significant and that the permittee “has not made a substantial attempt to correct” the violation.⁹

The rules do not specify how a person qualifies as an affected person under section 305.66(d). In past revocation cases, the ED has looked to title 30, section 55.203 of the Texas Administrative Code to provide guidance on who is an affected person. Under section 55.203(a), an affected person is a person “who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an application.” Combining that with section 305.66(d), an affected person in a petition to revoke case would be someone with a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the issuance of a permit. The interest cannot be common to members of the general public.¹⁰ Section 55.203(c) lists several examples of factors for the Commission to consider when determining if someone meets the affected person definition. This includes considering whether a governmental entity has “statutory authority over or interest in the issues relevant to the application.”¹¹ For a petition to revoke, the statutory authority or interest would need to be relevant to the issuance of the disputed permit.

IV. ANALYSIS OF PETITION TO REVOKE

A. The petition should be denied.

The crux of Mission’s argument is that Agua SUD listed the City of Palmview (Palmview) as the city in which the facility site will be located in or closest to¹² and the city in which the outfall will be located.¹³ Mission argues that these were false and misleading statements because Agua SUD should have listed Mission in response to those two questions in the application, not Palmview.¹⁴ Because of these misrepresentations, Mission’s mayor and health authorities were not mailed notice of the application, as is required by section 39.413 of the TCEQ’s rules.¹⁵

The ED agrees that CCO did not mail the NORI or NAPD specifically addressed to Mission’s mayor and health authorities. According to the mailing lists for the two

⁶ *Id.* § 305.66(e).

⁷ *Id.* § 305.68(a).

⁸ *Id.* § 305.66(f)(3).

⁹ *Id.* § 305.66(g)(1).

¹⁰ *Id.* § 55.203(a).

¹¹ *Id.* § 55.203(c)(6).

¹² Pet. Revoke TPDES Permit app. A, at 11 of 18.

¹³ *Id.* app. A, at 12 of 18.

¹⁴ *Id.* at 1, 4.

¹⁵ *Id.* at 4.

notices, the mayor and health official notices went to Palmview.¹⁶ However, whether Mission should have been notified as the city where the facility and outfall will be located is moot because Mission was still provided with the same two notices of the application by mail as an adjacent landowner. Both the mailing list for the NORI and the NAPD list the City of Mission as an entity that was sent notice as an adjacent landowner in compliance with section 39.413(1).¹⁷ The owner name and address match those on the Hidalgo County Appraisal District (CAD) record provided for Mission's property as part of the application.¹⁸ Therefore, Mission was provided with notice as an adjacent landowner in compliance with the TCEQ's rules. Neither the NORI nor NAPD mailing label for Mission is marked as returned mail; therefore, it appears that service on Mission was successful twice. Accordingly, this case can be distinguished from a case in which an entity that was entitled to receive mailed notice did not receive any mailed notice of an application.

Mission argues that the fact that "Mayor" or "Health Official" did not appear below its name on the notice envelopes resulted in city officials not being aware of the application until after the permit was issued.¹⁹ However, the city itself is the legal entity that is entitled to receive notice. In this case, despite the absence of the word "Mayor" or "Health Official," Mission received adequate notice of the application twice. The mayor and health official of the city where a wastewater treatment plant or outfall will be located do not receive notice individually; rather, they receive notice in their representative capacities for the city. While adding those titles to the envelopes may help the notice be forwarded to the proper city employee more quickly, the omission of those titles should not prevent that from occurring. In addition, the contents of the envelope and the text of the notice do not differ whether notice is sent to a city official or to an adjacent landowner. Mission received the same information as an adjacent landowner as it would have as the city where the facility and outfall will be located. As noted above, this case can be distinguished from a case in which an entity that was entitled to receive notice did not receive any notice of an application. Therefore, there is no defective notice to be cured by granting the petition to revoke, and the ED recommends that the Commission deny it.

Even if the absence of "Mayor" and "Health Official" on the envelopes sent to Mission was a cause for concern, the existing evidence does not demonstrate for a fact that Mission should have been the city listed in the application instead of Palmview. According to Mission, it annexed the site on January 11, 2010.²⁰ The Hidalgo CAD information for the site dated April 14, 2010, provided by Agua SUD in its application does not list Mission as a taxing jurisdiction.²¹ In fact, it lists another city, the City of Abram, as a taxing jurisdiction. By 2012, the Hidalgo CAD was listing Mission as a

¹⁶ Att. A, at 2; Att. B, at 2.

¹⁷ Att. A, at 3; Att. B, at 3.

¹⁸ Att. C. According to Mission's web site (www.missiontexas.us), its address for City Hall is still the same today as it was on this attachment.

¹⁹ Pet. Revoke TPDES Permit 4.

²⁰ *Id.* at 3 n.6.

²¹ Att. D, at 1.

taxing jurisdiction, but it also still listed Abram.²² Agua SUD filed its application on September 24, 2012, and acquired the facility site on October 26, 2012.²³ For 2013, the Hidalgo CAD again listed Abram and Mission as taxing jurisdictions.²⁴ However, out of the four maps currently linked to Mission's web site that depict Mission's corporate boundary, only one depicts the corporate boundary as encompassing the proposed facility site and outfall.²⁵ Based on this information, it is unclear whether the proposed facility site and outfall were located within Mission's corporate boundary as of September 24, 2012. Due to this uncertainty as well as the lack of defective notice explained above, the ED recommends that the Commission deny the petition to revoke.

B. In the alternative, refer the petition to SOAH.

In the alternative, if the Commission believes the appropriate course of action at this time is to refer the petition to SOAH for a public hearing, several issues of fact and mixed issues of fact and law need to be resolved before the Commission can determine if Agua SUD's permit should be revoked under section 305.66. The first issue would be whether Mission is an affected person that may file a petition to revoke under section 305.66(d). Mission's argument on this issue appears to be limited to stating that it is affected by the permit's issuance because waste will be discharged under the permit within the city's corporate boundary.²⁶ As discussed in the next paragraph, the ED believes the issue of where Mission's corporate boundary was in relation to the proposed facility site and outfall is unresolved. Even if waste will be discharged within the city's corporate boundary, Mission has not explained how this relates to a justiciable interest that is specific to the city, such as any legal right, duty, privilege, power, or economic interest of the city's that is affected by the issued permit. Therefore, it is unclear at this time whether Mission is a person affected by the permit's issuance that may file a petition to revoke.

Assuming Mission is found to be an affected person, the next issue would be whether Agua SUD should have listed Mission instead of Palmview in response to questions 7.e. and 8.b. in Domestic Administrative Report 1.0 in its application. As discussed above, information provided by Agua SUD, Mission, and other available sources is contradictory and inconclusive regarding whether the facility site and outfall were located within Mission's corporate boundary when Agua SUD filed its application. As this claim serves as the basis for Mission's argument that Agua SUD's permit should be revoked, it needs to be resolved before the revocation requirements found in section 305.66(a), (f), and (g) can be considered.

If it is determined that Mission should have been listed in the application as the city where the proposed facility site and outfall will be located, the next issue to consider would be whether these errors were misrepresentations of relevant facts and were false

²² *Id.* at 2.

²³ *Id.* at 3.

²⁴ *Id.* at 4.

²⁵ About Mission, <http://www.missiontexas.us/about-mission/map/> (last visited Oct. 23, 2014). The map that depicts the facility site and outfall within the corporate boundary is "City of Mission GIS Map."

²⁶ Pet. Revoke TPDES Permit 4.

or misleading statements made in connection with an original application in a formal application.²⁷ If they were, one more issue would need to be resolved before the Commission could revoke the permit. That issue would be whether the violations, i.e., making false and misleading statements in a permit application, were significant and whether Agua SUD made a substantial attempt to correct the violations.²⁸ If the violations were significant and Agua SUD did not make a substantial attempt to correct them, then the Commission would have the authority to revoke Agua SUD's permit under section 305.66. In that case, the final issue to resolve would be whether the Commission should revoke the permit. Some factors that may be considered when determining whether to revoke a permit are the need for a wastewater treatment facility in the area, to what extent wastewater treatment service would be delayed if the permit were revoked, and the availability of funding to provide wastewater treatment service in the area.

C. Summary of the issues to refer to SOAH

To recap, the ED recommends referring the following issues to SOAH if the Commission refers the petition:

1. Whether the City of Mission is a person affected by the issuance of Agua SUD's TPDES Permit No. WQ0014415003, which expires on June 1, 2015, who may file a petition to revoke that permit under title 30, section 305.66(d) of the Texas Administrative Code.
2. Whether Agua SUD's proposed facility site and outfall were located within the City of Mission's corporate boundary as of the date on which it filed its application, September 24, 2012.
3. Whether Agua SUD's responses to questions 7.e. and 8.b. in Domestic Administrative Report 1.0 in its application were misrepresentations of relevant facts and false or misleading statements.
4. Whether Agua SUD's responses to questions 7.e. and 8.b. in Domestic Administrative Report 1.0 in its application were significant violations that Agua SUD has not made a substantial attempt to correct.
5. Whether the Commission should revoke Agua SUD's permit.

V. CONCLUSION

Because Mission was sent adequate mailed notice of Agua SUD's wastewater discharge permit application as an adjacent landowner, the ED believes there is no deficient notice to cure by revoking Agua SUD's permit and recommends that the Commission deny Mission's petition to revoke. In the alternative, if the Commission believes there are outstanding issues that should be addressed before determining whether it should revoke the permit, the ED recommends referring the five issues listed above to SOAH for a public hearing in accordance with section 305.68(a) of the TCEQ's rules.

²⁷ 30 TEX. ADMIN. CODE § 305.66(a)(4), (f)(3) (West 2014).

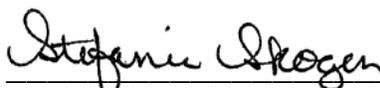
²⁸ *Id.* § 305.66(g)(1).

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Richard A. Hyde, P.E., Executive Director

Robert Martinez, Director
Environmental Law Division

By: 

Stefanie Skogen

Staff Attorney

Environmental Law Division

State Bar of Texas No. 24046858

MC-173, P.O. Box 13087

Austin, Texas 78711-3087

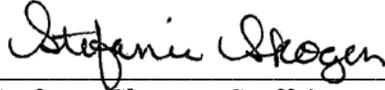
Phone: (512) 239-0575

Fax: (512) 239-0606

E-mail: stefanie.skogen@tceq.texas.gov

CERTIFICATE OF SERVICE

I certify that on October 28, 2014, a copy of the foregoing document was sent by electronic mail to the persons on the attached mailing list.



Stefanie Skogen, Staff Attorney
Environmental Law Division

Mailing List
Agua Special Utility District
TPDES Permit No. WQ0014415003

FOR AGUA SPECIAL UTILITY DISTRICT:

Frank Flores
Agua Special Utility District
3120 North Abram Road
Palmview, Texas 78572
Phone: (956) 585-2459
Fax: (956) 585-1188
E-mail: f.flores@aguasud.com

REPRESENTING CITY OF MISSION:

Jason T. Hill
Lloyd Gosselink Rochelle & Townsend, PC
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PUBLIC EDUCATION PROGRAM:

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Fax: (512) 239-5678

ALTERNATIVE DISPUTE RESOLUTION:

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Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
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Austin, Texas 78711-3087
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REPRESENTING THE OFFICE OF PUBLIC INTEREST COUNSEL:

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OFFICE OF THE CHIEF CLERK:

Bridget C. Bohac
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Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Fax: (512) 239-3311

ATTACHMENT A
(NORI WQ Standard Mail List)

WQ STANDARD MAIL LIST

STATE OF TEXAS
COUNTY OF TRAVIS

OCT 24 2014

I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission Given under my hand and the seal of office.



Billy R. Wilson, Custodian of Records
Texas Commission on Environmental Quality

APPLICANT:
MR FRANK FLORES
AGUA SUD
3120 N ABRAM RD
PALMVIEW, TX 78572-1854

Other Applicant Representatives:
MR DARIO V GUERRA III
S&B INFRASTRUCTURE LTD
5408 N 10TH ST
MCALLEN, TX 78504-2711

PERMIT #: WQ0014415003

BASIN:

REGION: 15

COUNTY: HIDALGO

PERMITTEE:

AGUA SUD

TO BE PUBLISHED BY:

MR FRANK FLORES

DATE NOTICE MAILED: 11/29/2012

CCO #: 85095

NOTICE TECH INITIALS: RKOSICKI

LONG NEWS SERVICE
P O Box 12368
AUSTIN TX 78711

TEXAS LEGISLATIVE SERVICE
P O BOX 100
AUSTIN TX 78767

ENVIRONMENTAL PROTECTION AGENCY
ATTN: JACK FERGUSON
CHIEF, PERMIT SECTION
1445 ROSS AVE
DALLAS TX 75202-2733

US ENVIRONMENTAL PROTECTION AGENCY
REGION 6 (only notices with TPDES language)
ATTENTION: EVELYN ROSBOROUGH (6WQ-CA)
1445 ROSS AVENUE
DALLAS TX 75202

CYRUS REED
LONE STAR CHAPTER, SIERRA CLUB
PO BOX 1931
AUSTIN TX 78767-1931

NATIONAL WILDLIFE FEDERATION
ATTN: MYRON J HESS
44 EAST AVE, STE 200
AUSTIN TX 78701

MARTIN ROCHELLE
LLOYD GOSSELINK BLEVINS ROCHELLE
816 CONGRESS AVE STE 19000
AUSTIN TX 78701-2478

TEXAS PARKS AND WILDLIFE DEPT
ATTN: PATRICIA L. RADLOFF
COASTAL FISHERIES DIVISION - FPP
4200 SMITH SCHOOL RD
AUSTIN TX 78744
INTERAGENCY MAIL

RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL SERVICES
ATTN LESLEY L. SAVAGE DIRECTOR
INTERAGENCY MAIL

TEXAS HISTORICAL COMMISSION
ATTN STATE HISTORICAL PRESERVATION
OFFICER AND STATE ARCHEOLOGIST
INTERAGENCY MAIL

WATER DEVELOPMENT BOARD
ATTN ROSARIO FLORES
INTERAGENCY MAIL

TEXAS DEPARTMENT OF AGRICULTURE
ATTN RICHARD EYSTER
OFFICE OF RISK ASSESSMENT & TOXICOLOGY
INTERAGENCY MAIL

TEXAS DEPARTMENT OF HEALTH
ATTN DR. JOHN VILLANACCI
INTERAGENCY MAIL (WQ, MSW, IHW)

BEN RHAME, COUNCIL SECRETARY
COASTAL COORDINATION COUNCIL
GENERAL LAND OFFICE
1700 N CONGRESS AVE ROOM 617
AUSTIN TX 78701-1495
INTERAGENCY MAIL
(ONLY NOTICES WITH CMP LANGUAGE)

000001

CITY OF PALMVIEW
HEALTH OFFICIAL
400 W VETERANS BLVD
PALMVIEW TX 78572-8327

CITY OF PALMVIEW
MAYOR
400 W VETERANS BLVD
PALMVIEW TX 78572-8327

City

HIDALGO & CAMERON COUNTY WCID
PO BOX 237
MERCEDDES TX 78570-0237

HIDALGO COUNTY JUDGE
COUNTY COURTHOUSE
PO BOX 1356
EDINBURG TX 78540-1356

DIVISION ENGINEER
INTERNATIONAL BOUNDARY WATER C
ENVIRO MGMT DIVISION USIB
4171 N MESA ST STE C100
EL PASO TX 79902-1432

PUBLIC HEALTH REGION 11
TEXAS DEPARTMENT OF STATE HEAL
601 W SESAME DR
HARLINGEN TX 78550-7930

US ARMY CORPS OF ENGINEERS
ENVIRO REG BRANCH PE-R GALVESTON
PO BOX 1229
GALVESTON TX 77553-1229

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
UNIT 5837
6300 OCEAN DR
CORPUS CHRISTI TX 78412-5503

ANDY GARZA GENERAL MANAGER
KENEDY COUNTY GROUNDWATER CONS
PO BOX 212
SARITA TX 78385-0212

DAVID GRALL SECRETARY
BRUSH COUNTRY GROUNDWATER CONS
PO BOX 136
FALFURRIAS TX 78355-0136

EDUARDO OLIVAREZ CHIEF ADM
HIDALGO COUNTY HEALTH OFFICER
1304 S 25TH AVE
EDINBURG TX 78542-7205

MARCIE OVIEDO
LOWER RIO GRANDE VALLEY DEVELO
301 W RAILROAD ST
WESLACO TX 78596-5104

ARMANDO VELA PRESIDENT
RED SANDS GROUNDWATER CONSERVA
PO BOX 229
LINN TX 78563-0229

County

BETH ANN ALMARAZ WATER QUALITY SPE
NUECES RIVER AUTHORITY
STE 1002
400 MANN ST
CORPUS CHRISTI TX 78401-2046

BUCHANAN EASLEY
4020 SUMMIT CT
FAIRVIEW TX 75069-1183

ANDRES GARZA GENERAL MANAGER
KENEDY COUNTY GROUNDWATER CONSE
RR 2 BOX 458
RAYMONDVILLE TX 78580-9634

K L MORTEN PE-PR
US ARMY COE
PO BOX 1229
GALVESTON TX 77553-1229

JOY VARDAMAN
719 S BENTSEN PALM DR
MISSION TX 78572-4835

IP / not

000002

11-27-12

JL BATES LP
101 ASH ST HQ068
SAN DIEGO CA 92101-3017

FRONTERA GENERATION LTD
ATTN CLAUDE DEMARS TECO
ENERGY 12 GREENWAY PLAZA ST
600
HOUSTON TX 77046

GOODWIN ACQUISITIONS LP
3504 WARE RD OFF 4
MCALLEN TX 78501

US FISH & WILDLIFE SERVICE
PO BOX 1306
ALBUQUURQUE NM 87103-1306

MAYFAIR FARMS
14901 N WARE RD
EDINBURG TX 78541

BENTSEN PALM LTD
2500 S BENTSEN PALM DR 267 B
MISSION TX 78572

CITY OF MISSION
1201 E 8TH ST
MISSION TX 78572

JL BATES LP
101 ASH ST HQ06B
SAN DEIGO CA 92101-3017

000003

Landowners

11-27-12

THE HONORABLE JUAN HINOJOSA
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DISTRICT 20 ROOM 3E.12
TEXAS STATE CAPITOL
Juan.hinojosa@senate.state.tx.us

THE HONORABLE EDUARDO LUCIO JR
TEXAS SENATE
DISTRICT 27 ROOM 3E.18
TEXAS STATE CAPITOL
Eddie.lucio@senate.state.tx.us,
louie.sanchez@senate.state.tx.us

THE HONORABLE SERGIO MUNOZ JR
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richard.sanchez@house.state.tx.us

THE HONORABLE ARMANDO A MARTINEZ
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DISTRICT 039 ROOM E2.312
TEXAS STATE CAPITOL
Armando.Martinez@house.state.tx.us

THE HONORABLE AARON PENA
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT 040 ROOM E1.304
TEXAS STATE CAPITOL
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orlando.salinas@house.state.tx.us,
maricela.deleon@house.state.tx.us,

THE HONORABLE VERONICA GONZALES
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT 041 ROOM E2.406
TEXAS STATE CAPITOL
Veronica.gonzales@house.state.tx.us

state

ATTACHMENT B
(NAPD WQ Standard Mail List)

OCT 24 2014

I hereby certify this is a true and correct copy of a
Texas Commission on Environmental Quality (TCEQ)
document, which is filed in the Records of the Commission
Given under my hand and the seal of office.


Billy R. Wilson, Custodian of Records
Texas Commission on Environmental Quality

WQ STANDARD MAIL LIST

APPLICANT:
MR FRANK FLORES
AGUA SUD
3120 N ABRAM RD
PALMVIEW, TX 78572-1854

Other Applicant Representatives:
MR DARIO V GUERRA III
S&B INFRASTRUCTURE LTD
5408 N 10TH ST
MCALLEN, TX 78504-2711

PERMIT #: WQ0014415003
BASIN:
REGION: 15
COUNTY: HIDALGO

PERMITTEE: AGUA SUD
TO BE PUBLISHED BY: MR FRANK FLORES

DATE NOTICE MAILED: 02/07/2013

CCO #: 85095 NOTICE TECH INITIALS: RKOSICKI

LONG NEWS SERVICE
P O Box 12368
AUSTIN TX 78711

TEXAS LEGISLATIVE SERVICE
P O BOX 100
AUSTIN TX 78767

ENVIRONMENTAL PROTECTION AGENCY
ATTN: JACK FERGUSON
CHIEF, PERMIT SECTION
1445 ROSS AVE
DALLAS TX 75202-2733

US ENVIRONMENTAL PROTECTION AGENCY
REGION 6 (only notices with TPDES language)
ATTENTION: EVELYN ROSBOROUGH (6WQ-CA)
1445 ROSS AVENUE
DALLAS TX 75202

CYRUS REED
LONE STAR CHAPTER, SIERRA CLUB
PO BOX 1931
AUSTIN TX 78767-1931

NATIONAL WILDLIFE FEDERATION
ATTN: MYRON J HESS
44 EAST AVE, STE 200
AUSTIN TX 78701

MARTIN ROCHELLE
LLOYD GOSSELINK BLEVINS ROCHELLE
816 CONGRESS AVE STE 19000
AUSTIN TX 78701-2478

TEXAS PARKS AND WILDLIFE DEPT
ATTN: PATRICIA L. RADLOFF
COASTAL FISHERIES DIVISION - FPP
4200 SMITH SCHOOL RD
AUSTIN TX 78744
INTERAGENCY MAIL

RAILROAD COMMISSION OF TEXAS
ENVIRONMENTAL SERVICES
ATTN LESLEY L. SAVAGE DIRECTOR
INTERAGENCY MAIL

TEXAS HISTORICAL COMMISSION
ATTN STATE HISTORICAL PRESERVATION
OFFICER AND STATE ARCHEOLOGIST
INTERAGENCY MAIL

WATER DEVELOPMENT BOARD
ATTN ROSARIO FLORES
INTERAGENCY MAIL

TEXAS DEPARTMENT OF AGRICULTURE
ATTN RICHARD EYSTER
OFFICE OF RISK ASSESSMENT & TOXICOLOGY
INTERAGENCY MAIL

TEXAS DEPARTMENT OF HEALTH
ATTN DR. JOHN VILLANACCI
INTERAGENCY MAIL (WQ, MSW, IHW)

BEN RHAME, COUNCIL SECRETARY
COASTAL COORDINATION COUNCIL
GENERAL LAND OFFICE
1700 N CONGRESS AVE ROOM 617
AUSTIN TX 78701-1495
INTERAGENCY MAIL
(ONLY NOTICES WITH CMP LANGUAGE)

000001

CITY OF PALMVIEW
HEALTH OFFICIAL
400 W VETERANS BLVD
PALMVIEW TX 78572-8327

CITY OF PALMVIEW
MAYOR
400 W VETERANS BLVD
PALMVIEW TX 78572-8327

City

HIDALGO & CAMERON COUNTY WCID
PO BOX 237
MERCEDDES TX 78570-0237

HIDALGO COUNTY JUDGE
COUNTY COURTHOUSE
PO BOX 1356
EDINBURG TX 78540-1356

DIVISION ENGINEER
INTERNATIONAL BOUNDARY WATER C
ENVIRO MGMT DIVISION USIB
4171 N MESA ST STE C100
EL PASO TX 79902-1432

PUBLIC HEALTH REGION 11
TEXAS DEPARTMENT OF STATE HEAL
601 W SESAME DR
HARLINGEN TX 78550-7930

US ARMY CORPS OF ENGINEERS
ENVIRO REG BRANCH PE-R GALVESTON
PO BOX 1229
GALVESTON TX 77553-1229

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
UNIT 5837
6300 OCEAN DR
CORPUS CHRISTI TX 78412-5503

ANDY GARZA GENERAL MANAGER
KENEDY COUNTY GROUNDWATER CONS
PO BOX 212
SARITA TX 78385-0212

DAVID GRALL SECRETARY
BRUSH COUNTRY GROUNDWATER CONS
PO BOX 136
FALFURRIAS TX 78355-0136

EDUARDO OLIVAREZ CHIEF ADM
HIDALGO COUNTY HEALTH OFFICER
1304 S 25TH AVE
EDINBURG TX 78542-7205

MARCIE OVIEDO
LOWER RIO GRANDE VALLEY DEVELO
301 W RAILROAD ST
WESLACO TX 78596-5104

ARMANDO VELA PRESIDENT
RED SANDS GROUNDWATER CONSERVA
PO BOX 229
LINN TX 78563-0229

County

BETH ANN ALMARAZ WATER QUALITY SPE
NUECES RIVER AUTHORITY
STE 1002
400 MANN ST
CORPUS CHRISTI TX 78401-2046

BUCHANAN EASLEY
4020 SUMMIT CT
FAIRVIEW TX 75069-1183

ANDRES GARZA GENERAL MANAGER
KENEDY COUNTY GROUNDWATER CONSE
RR 2 BOX 458
RAYMONDVILLE TX 78580-9634

K L MORTEN PE-PR
US ARMY COE
PO BOX 1229
GALVESTON TX 77553-1229

JOY VARDAMAN
719 S BENTSEN PALM DR
MISSION TX 78572-4835

JP/Prot

000002

2-5-13

JL BATES LP
101 ASH ST HQ068
SAN DIEGO CA 92101-3017

FRONTERA GENERATION LTD
ATTN CLAUDE DEMARS TECO
ENERGY 12 GREENWAY PLAZA ST
600
HOUSTON TX 77046

GOODWIN ACQUISITIONS LP
3504 WARD RD OFF 4
MCALLEN TX 78501

US FISH & WILDLIFE SERVICE
PO BOX 1306
ALBUQUURQUE NM 87103-1306

MAYFAIR FARMS
14901 N WARE RD
EDINBURG TX 78541

BENTSEN PALM LTD
2500 S BENTSEN PALM DR 267 B
MISSION TX 78572

CITY OF MISSION
1201 E 8TH ST
MISSION TX 78572

JL BATES LP
101 ASH ST HQ06B
SAN DEIGO CA 92101-3017

000003

Landowners 2-5-13

THE HONORABLE JUAN HINOJOSA
TEXAS SENATE
DISTRICT 20 ROOM 3E.12
TEXAS STATE CAPITOL
Juan.hinojosa@senate.state.tx.us

THE HONORABLE EDUARDO LUCIO JR
TEXAS SENATE
DISTRICT 27 ROOM 3E.18
TEXAS STATE CAPITOL
Eddie.lucio@senate.state.tx.us,
louie.sanchez@senate.state.tx.us

THE HONORABLE TERRY CANALES
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E2.816
TEXAS STATE CAPITOL
Terry.canales@house.state.tx.us

THE HONORABLE BOBBY GUERRA
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E1.306
TEXAS STATE CAPITOL
Bobby.guerra@house.state.tx.us

THE HONORABLE OSCAR LONGORIA
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E1.510
TEXAS STATE CAPITOL
Oscar.longoria@house.state.tx.us

THE HONORABLE SERGIO MUNOZ JR
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT 036 ROOM E1.322
TEXAS STATE CAPITOL
sergio.munoz@house.state.tx.us,
richard.sanchez@house.state.tx.us

THE HONORABLE ARMANDO A MARTINEZ
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT 039 ROOM E2.312
TEXAS STATE CAPITOL
Armando.Martinez@house.state.tx.us

stade

ATTACHMENT C

Hidalgo CAD

Property Search Results > Property ID 693665 CITY OF MISSION for Year 2010



Property Details

Account

Property ID: 693665
 Geo. ID: B2550-02-000-0022-03
 Type: Real
 Legal Description: BENTSEN GROVES #2 BNG AN IRR TR SE COR FOR WATER TOWER SITE 1.0AC

Location

Address: BENTSEN PALM DR
 Neighborhood: BENTSEN GROVES #2
 Mapsco:
 Jurisdictions: CAD, CMS, DR1, GHD, HCTIR, JCC, R05, SLJ, SST, THMS1, TMS1

Owner

Name: CITY OF MISSION
 Address: 1201 E 8TH ST
 MISSION, TX 78572-5812

Property

Appraised Value: \$32,400

OCT 28 2014

STATE OF TEXAS
 COUNTY OF TRAVIS

I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission Given under my hand and the seal of office.

Billy R. Wilson
 Billy R. Wilson, Custodian of Records
 Texas Commission on Environmental Quality

ATTACHMENT D

MapPrint

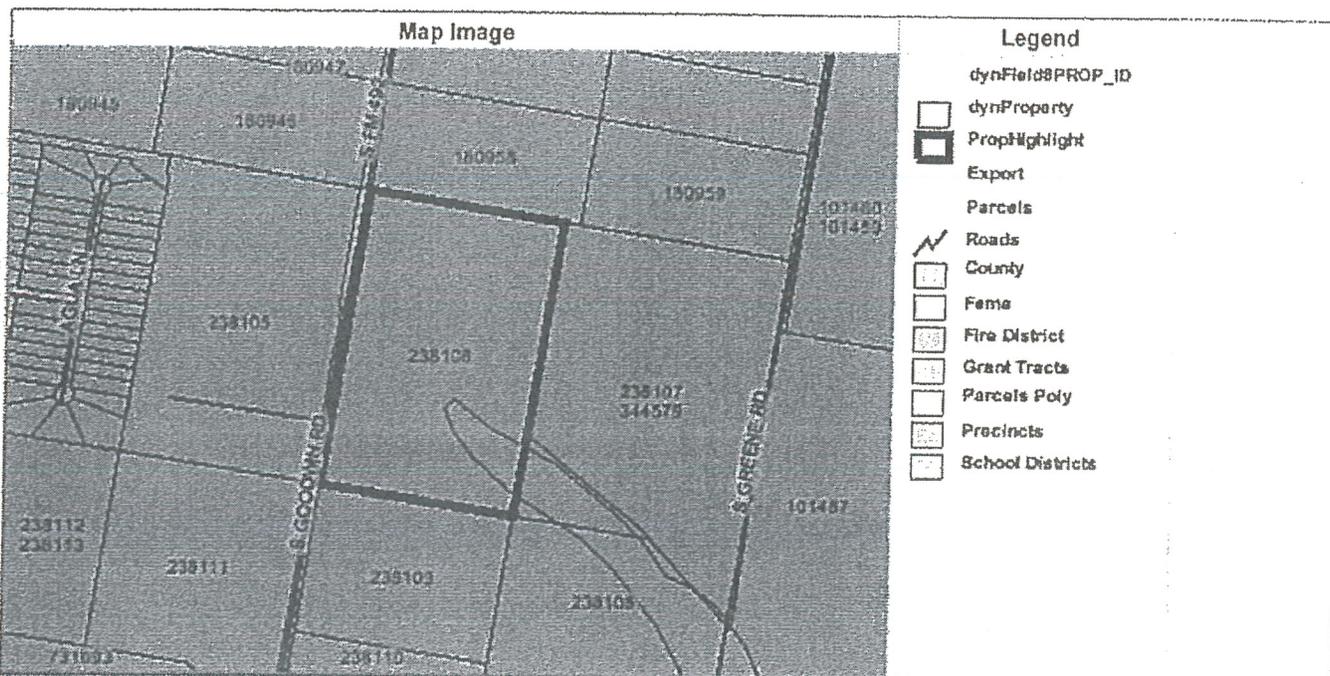
I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission Given under my hand and the seal of office.

Page 1 of 1

Billy R. Wilson, Custodian of Records
Texas Commission on Environmental Quality

Hidalgo CAD

Property Search Results > Property ID 238106 J.L. BATES L.P. for Year 2010



Property Details

Account

Property ID: 238106
Geo. ID: M4950-00-000-0003-00
Type: Real
Legal Description: MISSION FARMS ESTATE LOT 3 39.98AC

Location

Address: DOFFIN RD
Neighborhood: MISSION FARMS ESTATE
Mapsc0:
Jurisdictions: CAB, CAD, DR1, GHD, HCTIR, JCC, R05, SLJ, SST

Owner

Name: J.L. BATES L.P.
Address: 101 ASH ST HQ06B
SAN DIEGO, CA 92101-3017

Property

Appraised Value: \$16,752

Hidalgo CAD

Property Search Results > 238106 J.L. BATES L.P. for Year 2012

Property

Account

Property ID: 238106 Legal Description: MISSION FARMS ESTATE LOT 3 39.98AC
 Geographic ID: M4950-00-000-0003-00 Agent Code: A0049290
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 1 MILE S GOODWIN RD Mapsco:
 TX
 Neighborhood: MISSION FARMS ESTATE Map ID:
 Neighborhood CD: M495000

Owner

Name: J.L. BATES L.P. Owner ID: 594211
 Mailing Address: 101 ASH ST % Ownership: 100.0000000000%
 SAN DIEGO, CA 92101-3017
 Exemptions:

Values

| | | | |
|---------------------------------------|---|-----------|-----------------------|
| (+) Improvement Homesite Value: | + | \$0 | |
| (+) Improvement Non-Homesite Value: | + | \$0 | |
| (+) Land Homesite Value: | + | \$0 | |
| (+) Land Non-Homesite Value: | + | \$0 | Ag / Timber Use Value |
| (+) Agricultural Market Valuation: | + | \$379,810 | \$16,672 |
| (+) Timber Market Valuation: | + | \$0 | \$0 |
| <hr/> | | | |
| (=) Market Value: | = | \$379,810 | |
| (-) Ag or Timber Use Value Reduction: | - | \$363,138 | |
| <hr/> | | | |
| (=) Appraised Value: | = | \$16,672 | |
| (-) HS Cap: | - | \$0 | |
| <hr/> | | | |
| (=) Assessed Value: | = | \$16,672 | |

Taxing Jurisdiction

Owner: J.L. BATES L.P.
 % Ownership: 100.0000000000%
 Total Value: \$379,810

| Entity | Description | Tax Rate | Appraised Value | Taxable Value | Estimated Tax |
|-----------------------------|--|----------|-----------------|---------------|---------------|
| CAB | CITY OF ABRAM | 0.000000 | \$16,672 | \$16,672 | \$0.00 |
| CAD | APPRAISAL DISTRICT | 0.000000 | \$16,672 | \$16,672 | \$0.00 |
| CMS | CITY OF MISSION | 0.528800 | \$16,672 | \$16,672 | \$88.16 |
| DR1 | DRAINAGE DISTRICT #1 | 0.075000 | \$16,672 | \$16,672 | \$12.50 |
| GHD | HIDALGO COUNTY | 0.590000 | \$16,672 | \$16,672 | \$98.36 |
| HCTR2 | COUNTY - TRANSPORTATION REINVESTMENT ZONE #2 | 0.000000 | \$16,672 | \$16,672 | \$0.00 |
| JCC | SOUTH TEXAS COLLEGE | 0.150700 | \$16,672 | \$16,672 | \$25.12 |
| R05 | ROAD DIST 05 | 0.000000 | \$16,672 | \$16,672 | \$0.00 |
| SLJ | LA JOYA ISD | 1.311000 | \$16,672 | \$16,672 | \$218.57 |
| SST | SOUTH TEXAS SCHOOL | 0.049200 | \$16,672 | \$16,672 | \$8.20 |
| Total Tax Rate: | | 2.704700 | | | |
| Taxes w/Current Exemptions: | | | | | \$450.91 |
| Taxes w/o Exemptions: | | | | | \$450.93 |

Improvement / Building

No improvements exist for this property. 000002

Land

| # | Type | Description | Acres | Sqft | Eff Front | Eff Depth | Market Value | Prod. Value |
|---|------|-------------|---------|------------|-----------|-----------|--------------|-------------|
| 1 | H | 1WETFARM | 39.9800 | 1741528.80 | 0.00 | 0.00 | \$379,810 | \$16,672 |

Roll Value History

| Year | Improvements | Land Market | Ag Valuation | Appraised | HS Cap | Assessed |
|------|--------------|-------------|--------------|-----------|---------|---------------|
| 2015 | | N/A | N/A | N/A | N/A | N/A |
| 2014 | | \$0 | \$379,810 | 0 | 379,810 | \$0 \$379,810 |
| 2013 | | \$0 | \$379,810 | 0 | 379,810 | \$0 \$379,810 |
| 2012 | | \$0 | \$379,810 | 16,672 | 16,672 | \$0 \$16,672 |

Deed History - (Last 3 Deed Transactions)

| # | Deed Date | Type | Description | Grantor | Grantee | Volume | Page | Deed Number |
|---|------------------------|------|-------------|-----------------|------------------|--------|------|--------------|
| 1 | 10/26/2012 12:00:00 AM | GWD | GEN. W/D | J.L. BATES L.P. | AGUA SPECIAL UTI | | | 2354240 & 42 |
| 2 | 7/6/2004 12:00:00 AM | SWD | SPEC. W/D | CENTRAL POWER | J.L. BATES L.P. | | | 1354715 |
| 3 | | CONV | CONVERSION | Unknown | CENTRAL POWER | | | |

Tax Due

Property Tax Information as of 10/23/2014

Amount Due if Paid on:  ↓

| Year | Taxing Jurisdiction | Taxable Value | Base Tax | Base Taxes Paid | Base Tax Due | Discount / Penalty & Interest | Attorney Fees | Amount Due |
|------|---------------------|---------------|----------|-----------------|--------------|-------------------------------|---------------|------------|
| | | | | | | | | |

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466

Hidalgo CAD

Property Search Results > 238106 AGUA SPECIAL UTILITY DIST for Year 2013

Property

Account

Property ID: 238106 Legal Description: MISSION FARMS ESTATE LOT 3 39.98AC GR 39.63AC NET
 Geographic ID: M4950-00-000-0003-00 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 1 MILE S GOODWIN RD Mapsco:
 TX
 Neighborhood: MISSION FARMS ESTATE Map ID:
 Neighborhood CD: M495000

Owner

Name: AGUA SPECIAL UTILITY DIST Owner ID: 991139
 Mailing Address: 3120 N ABRAM RD % Ownership: 100.000000000000%
 PALMVIEW, TX 78572-1854
 Exemptions: EX-XV

Values

| | | | |
|---------------------------------------|---|-----------|-----------------------|
| (+) Improvement Homesite Value: | + | \$0 | |
| (+) Improvement Non-Homesite Value: | + | \$0 | |
| (+) Land Homesite Value: | + | \$0 | |
| (+) Land Non-Homesite Value: | + | \$379,810 | Ag / Timber Use Value |
| (+) Agricultural Market Valuation: | + | \$0 | \$0 |
| (+) Timber Market Valuation: | + | \$0 | \$0 |
| <hr/> | | | |
| (=) Market Value: | = | \$379,810 | |
| (-) Ag or Timber Use Value Reduction: | - | \$0 | |
| <hr/> | | | |
| (=) Appraised Value: | = | \$379,810 | |
| (-) HS Cap: | - | \$0 | |
| <hr/> | | | |
| (=) Assessed Value: | = | \$379,810 | |

Taxing Jurisdiction

Owner: AGUA SPECIAL UTILITY DIST
 % Ownership: 100.000000000000%
 Total Value: \$379,810

| Entity | Description | Tax Rate | Appraised Value | Taxable Value | Estimated Tax |
|-----------------------------|--|----------|-----------------|---------------|---------------|
| CAB | CITY OF ABRAM | 0.000000 | \$379,810 | \$0 | \$0.00 |
| CAD | APPRAISAL DISTRICT | 0.000000 | \$379,810 | \$0 | \$0.00 |
| CMS | CITY OF MISSION | 0.528800 | \$379,810 | \$0 | \$0.00 |
| DR1 | DRAINAGE DISTRICT #1 | 0.095700 | \$379,810 | \$0 | \$0.00 |
| GHD | HIDALGO COUNTY | 0.590000 | \$379,810 | \$0 | \$0.00 |
| HCTR2 | COUNTY - TRANSPORTATION REINVESTMENT ZONE #2 | 0.000000 | \$379,810 | \$0 | \$0.00 |
| JCC | SOUTH TEXAS COLLEGE | 0.150000 | \$379,810 | \$0 | \$0.00 |
| R05 | ROAD DIST 05 | 0.000000 | \$379,810 | \$0 | \$0.00 |
| SLJ | LA JOYA ISD | 1.311000 | \$379,810 | \$0 | \$0.00 |
| SST | SOUTH TEXAS SCHOOL | 0.049200 | \$379,810 | \$0 | \$0.00 |
| Total Tax Rate: | | 2.724700 | | | |
| Taxes w/Current Exemptions: | | | | | \$0.00 |
| Taxes w/o Exemptions: | | | | | \$10,348.68 |

Improvement / Building

No Improvements exist for this property.

000004

Land

| # | Type | Description | Acres | Sqft | Eff Front | Eff Depth | Market Value | Prod. Value |
|---|------|-------------|---------|------------|-----------|-----------|--------------|-------------|
| 1 | AC | ACREAGE | 39.9800 | 1741528.80 | 0.00 | 0.00 | \$379,810 | \$0 |

Roll Value History

| Year | Improvements | Land Market | Ag Valuation | Appraised | HS Cap | Assessed |
|------|--------------|-------------|--------------|-----------|---------|---------------|
| 2015 | | N/A | N/A | N/A | N/A | N/A |
| 2014 | | \$0 | \$379,810 | 0 | 379,810 | \$0 \$379,810 |
| 2013 | | \$0 | \$379,810 | 0 | 379,810 | \$0 \$379,810 |
| 2012 | | \$0 | \$379,810 | 16,672 | 16,672 | \$0 \$16,672 |

Deed History - (Last 3 Deed Transactions)

| # | Deed Date | Type | Description | Grantor | Grantee | Volume | Page | Deed Number |
|---|------------------------|------|-------------|-----------------|------------------|--------|------|--------------|
| 1 | 10/26/2012 12:00:00 AM | GWD | GEN. W/D | J.L. BATES L.P. | AGUA SPECIAL UTI | | | 2354240 & 42 |
| 2 | 7/6/2004 12:00:00 AM | SWD | SPEC. W/D | CENTRAL POWER | J.L. BATES L.P. | | | 1354715 |
| 3 | | CONV | CONVERSION | Unknown | CENTRAL POWER | | | |

Tax Due

Property Tax Information as of 10/23/2014

Amount Due if Paid on:  -

| Year | Taxing Jurisdiction | Taxable Value | Base Tax | Base Taxes Paid | Base Tax Due | Discount / Penalty & Interest | Attorney Fees | Amount Due |
|------|---------------------|---------------|----------|-----------------|--------------|-------------------------------|---------------|------------|
| | | | | | | | | |

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466

Website version: 1.2.2.2

Database last updated on: 10/22/2014 11:51 PM

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000005