

TCEQ Docket No. 2022-0978-IWD

Application from Dos Republicas Coal Partnership to renew Texas Pollutant Discharge Elimination System Permit No. WQ0003511000	§ § § § §	Before the Texas Commission On Environmental Quality
---	----------------------------------	---

Executive Director’s Response to Hearing Requests and Requests for Reconsideration

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests and Requests for Reconsideration on Dos Republicas Coal Partnership’s (DRCP’s) application to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003511000. TCEQ received hearing requests from Maverick County Environmental and Public Health Association (MCEPHA), Gabriel De La Cerda, Dulce Esqueda, Mike Hernandez, and Walter Herring.

Attached for Commission consideration is a satellite map of the facility area (attachment A).

I. Summary of ED’s Recommendation

The ED recommends denying the hearing requests because there is no right to a contested case hearing for DRCP’s renewal application. However, if the Commission finds there is a right to a contested case hearing, the ED recommends granting all the hearing requests and referring Issue No. 3, which will be discussed in further detail in section V.

II. Facility Description

DRCP has applied to TCEQ for a renewal of its existing TPDES permit. The draft permit authorizes the discharge of stormwater and mine seepage from the active mining areas on an intermittent and flow-variable basis via Outfalls 001M, 003M, 004M, 006M-008M, and 015M-020M; stormwater from the post-mining areas on an intermittent and flow-variable basis via Outfalls 001R, 003R, 004R, 006R-008R, and 015R-020R; stormwater runoff from fueling areas, fuel storage areas, vehicle and equipment maintenance areas, truck washing stations, and coal handling and storage areas on an intermittent and flow-variable basis via Outfall 021; and mine pit water from the active mining areas and stormwater from inside the rail loop on an intermittent and flow-variable basis via Outfall 022M. The Eagle Pass Mine is located at 607 County Road 305, northeast of the City of Eagle Pass, in Maverick County, Texas 77852. The treated effluent is discharged via Outfalls 001M/R, 004M/R, 007M/R, 008M/R, 017M/R, 018M/R, 021, and 022M to unnamed tributaries, thence to Elm Creek, thence to Rio Grande Below Amistad Reservoir; via Outfalls 003M/R, 006M/R, and 019M/R to unnamed ditches, thence to Elm Creek, thence to Rio Grande Below Amistad Reservoir; via Outfall 015M/R to an unnamed ditch, thence to an unnamed tributary, thence to Hediondo Creek, thence to Elm Creek, thence to Rio Grande Below

Amistad Reservoir; and via Outfalls 016M/R and 020M/R to Elm Creek, thence to Rio Grande Below Amistad Reservoir in Segment No. 2304 of the Rio Grande Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributaries and ditches (Outfalls 001M/R, 003M/R, 004M/R, 006M/R, 008M/R, 015M/R, 017M/R, 018M/R, 019M/R, 21, and 022M); limited aquatic life use for Hediondo Creek and the unnamed tributaries (Outfalls 007M/R and 015M/R);¹ and high aquatic life use for Elm Creek. The designated uses for Segment No. 2304 are high aquatic life use, public water supply, and primary contact recreation.

III. Background

TCEQ received the application on February 24, 2020 and declared it administratively complete on November 24, 2020. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit was published in English and Spanish on December 10, 2020 in *The News Gram* and in English on December 12, 2020 in the *Eagle Pass Business Journal*. ED staff completed the technical review of the application on May 3, 2021 and prepared a draft permit. The Notice of Application and Preliminary Decision for TPDES Permit for Industrial Wastewater was published in English and Spanish on June 16, 2021 in *The News Gram* and in English on June 19, 2021 in the *Eagle Pass Business Journal*. The public comment period ended on July 19, 2021. The ED filed its Response to Public Comment (RTC) on May 10, 2022. The hearing request and request for reconsideration period ended on June 15, 2022.

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment and for the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and for the Commission's consideration of hearing requests for applications filed on or after September 1, 2015. Because the application in this case was filed on February 24, 2020, it is subject to the House Bill 801 and Senate Bill 709 requirements. The Commission implemented both bills by adopting procedural rules in title 30, chapters 39, 50, and 55 of the Texas Administrative Code (30 Tex. Admin. Code chs. 39, 50, and 55).

(A) Response to Hearing Requests

"The ED, the public interest counsel, and the applicant may submit written responses to [hearing] requests"²

According to 30 Tex. Admin. Code § 55.209(e), responses to hearing requests must specifically address the following:

- (1) Whether the requestor is an affected person
- (2) Which issues raised in the hearing request are disputed

¹ Please note that for the discharge route for Outfall 015M/R, the unnamed ditch has minimal aquatic life use, and the unnamed tributary has limited aquatic life use.

² 30 TEX. ADMIN. CODE § 55.209(d) (West 2021).

- (3) Whether the dispute involves questions of fact or law
- (4) Whether the issues were raised during the public comment period
- (5) Whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's response to comment
- (6) Whether the issues are relevant and material to the decision on the application
- (7) A maximum expected duration for the contested case hearing

(B) Hearing Request Requirements

For the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements. As noted in 30 Tex. Admin. Code § 55.201(c), "A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided . . . , may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment, and, for applications filed on or after September 1, 2015, must be based only on the requestor's timely comments."

According to 30 Tex. Admin. Code § 55.201(d), a hearing request must substantially comply with the following:

- (1) Give the name, address, and daytime telephone number of the person who files the request. If the requestor is a group or association, the request must identify one person by name, address, and daytime telephone number who shall be responsible for receiving all official communications and comments for the group or association.
- (2) Identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes they will be adversely affected by the proposed facility or activity in a manner not common to members of the general public.
- (3) Request a contested case hearing.
- (4) List all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments the requestor disputes and the factual basis of the dispute and list any disputed issues of law.
- (5) Provide any other information specified in the public notice of application.

(C) Requirement that the Requestor Be an Affected Person

To grant a contested case hearing, the Commission must determine that a requestor is an affected person. The factors to consider in making this determination are found in 30 Tex. Admin. Code § 55.203 as follows:

- (1) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- (2) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
- (3) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - (a) Whether the interest claimed is one protected by the law under which the application will be considered
 - (b) Distance restrictions or other limitations imposed by law on the affected interest
 - (c) Whether a reasonable relationship exists between the interest claimed and the activity regulated
 - (d) Likely impact of the regulated activity on the person's health, safety, and use of their property
 - (e) Likely impact of the regulated activity on the person's use of the impacted natural resource
 - (f) Whether the requestor timely submitted comments that were not withdrawn
 - (g) For governmental entities, their statutory authority over or interest in the issues relevant to the application
 - (h) The merits of the underlying application and supporting documentation in the TCEQ's administrative record, including whether the application meets the permit issuance requirements; the ED's analysis and opinions; and any other expert reports, affidavits, opinions, or data submitted by the ED, applicant, or requestor

(D) Additional Requirements if the Requestor Is a Group or Association

A group or association may request a contested case hearing only if the group or association meets all the requirements found in 30 Tex. Admin. Code § 55.205(a) as follows:

- (1) One or more members of the group or association would otherwise have standing to request a hearing in their own right.
- (2) The interests the group or association seeks to protect are germane to the organization's purpose.
- (3) Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

(E) Referral to the State Office of Administrative Hearings

The rule at 30 Tex. Admin. Code § 50.115(b) details how the Commission refers a matter to the State Office of Administrative Hearings (SOAH): “When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.” Section 50.115(c) further states, “The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue: (1) involves a disputed question of fact or a mixed question of law and fact; (2) was raised during the public comment period, and, for applications filed on or after September 1, 2015, was raised in a comment made by an affected person whose request was granted; and (3) is relevant and material to the decision on the application.”

V. Hearing Request Analysis

(A) Whether there is a right to a contested case hearing

Generally speaking, renewal applications like the one at issue here are not referred to SOAH for contested case hearings. This is because the Texas Water Code (TWC) and the TCEQ rules limit the circumstances under which such applications are referable. According to TWC § 26.028 and 30 Tex. Admin. Code § 55.201(i), there is no right to a contested case hearing for a wastewater discharge permit renewal application as long as the authorized activity will maintain or improve the effluent’s quality, the public had the opportunity to request a public meeting, all timely and significant public comments have been considered and responded to, and the applicant’s compliance history for the past five years does not raise issues regarding the applicant’s ability to comply with a material term of its permit. The ED has analyzed DRCP’s application in light of these requirements and concluded there is no right to a contested case hearing on this application.

Looking at the requirements more closely, except for the removal of an outfall, the authorized activity and accompanying requirements in the draft permit remain the same as in the existing permit, so DRCP’s effluent quality will be maintained. The notices issued for this application informed the public of their right to request a public meeting, and they had the opportunity to do so through the end of the public comment period. The ED also considered all public comments that were submitted on time and provided written responses to those comments in its Response to Public Comment.

As for DRCP’s five-year compliance history, the ED examined the following information:

- According to the Compliance History Report used by ED staff for the technical review of this application, DRCP has a classification of Satisfactory and rating of 1.2, and the Eagle Pass Mine has a classification of High and rating of 0.0. No changes were made to the draft permit based on the report.
- In response to ED staff’s May 13, 2021 request for comments on the draft permit, Region 16 Staff responded on May 20, 2021 that no comments were necessary.

- Periodic scheduled wastewater permit compliance investigations were performed by the Region 16 Office on December 6, 2017, January 24, 2019, January 16, 2020, and April 8, 2022. No violations were noted during those investigations.
- The Region 16 Office investigated a complaint on July 17, 2018. Someone had reported that coal dust was blowing from the mine into Lateral 20, a water canal. No discharges into the canal were observed, and no violations were noted. Nuisance dust allegations were already being investigated by the Office's Air Program.

After examining this information, the ED does not have any concerns regarding DRCP's ability to comply with the material terms of the draft permit. Therefore, there is no right to a contested case hearing on this application under section 55.201(i), and the hearing requests should be denied.

(B) Whether the hearing requests otherwise met the hearing request requirements

In case the Commission finds there is a right to a contested case hearing on this application, the ED provides the following analysis of the hearing requests. The five hearing requestors filed timely comments, requested a contested case hearing, and identified disputed issues that were raised during the comment period. Otherwise, their requests break down as follows:

- MCEPHA identified the other four requestors as members, who have all argued they have standing in their own right. The group's stated purpose is to protect public health and air and water quality in Maverick County, and its main focus has been in the Eagle Pass Mine area. None of the claims asserted or relief requested by MCEPHA would require the individual members to participate in the hearing. The group identified its contact person and provided his mailing address and phone number.
- Gabriel De La Cerda provided his address and phone number. He stated he resides on and owns property next to Elm Creek that is less than one mile downstream from Outfall 008 and was identified as Property No. 33 in the application for the existing permit. He and his family consume fish from the creek and use the creek to observe wildlife. The permit could affect his health and safety and ability to use his property.
- Dulce Esqueda provided her address and phone number. She stated she resides on and owns property next to Elm Creek that is less than one mile downstream from Outfall 008 and was identified as Property No. 38 in the application for the existing permit. She and her family consume fish from the creek and use the creek to observe wildlife. The permit could affect her health and safety and ability to use her property.
- Mike Hernandez provided his address and phone number. He stated he owns property next to the mine boundary, Elm Creek, and unnamed ditch for Outfall 003 that was identified as Property No. 6 in the application for the existing permit. He raises livestock on the property who drink from a stock tank and Elm

Creek. He and his family and friends also consume fish from Elm Creek. The permit could affect his and his livestock's health and safety and his ability to use his property.

- Walter Herring provided his address and phone number. He stated he owns property next to the mine boundary and Hediondo Creek that was identified as Property No. 19 in the application for the existing permit. The unnamed tributary for Outfall 015 also runs through his property. He raises cattle on the property who drink from the unnamed tributary and Hediondo Creek. He also consumes fish from Elm Creek. The permit could affect his and his cattle's health and safety and his ability to use his property.

Based on this information, the requestors all identified personal justiciable interests affected by the application based on their proximity to the facility or discharge routes and their relevant concerns regarding the application, such as human health. Therefore, the hearing requests sufficiently meet the section 55.201(c) and (d) requirements. As a group or association, MCEPHA also provided the additional information required by section 55.205. Having met the applicable requirements, the hearing requests from all five requestors should be granted if the application is referred to SOAH.

(C) Whether issues raised are referable to SOAH for a contested case hearing

The ED analyzed the issues raised in the hearing requests it has recommended granting in accordance with the regulatory criteria and provides the following recommendations regarding whether the issues can be referred to SOAH if the Commission grants the hearing requests. Except for Issue No. 6, all issues were raised during the public comment period, and none of the issues were withdrawn. All identified issues are considered disputed unless otherwise noted. The ED has also listed the relevant RTC responses.

1. Whether TCEQ can process the renewal application when a challenge to the existing permit's issuance is pending in court. (Response 1)

This is an issue of law. The ED does not recommend referring this issue to SOAH.

2. Whether the outfalls that have not been constructed at the Eagle Pass Mine must be removed from the renewal application. (Response 2)

This is an issue of law. The ED does not recommend referring this issue to SOAH.

3. Whether there are any violations regarding Outfalls 003M/R, 008M, and 008R that prevent TCEQ from granting the renewal application. (Responses 3 and 4)

This is a mixed issue of fact and law. If it can be shown any violations related to the listed outfalls prevent TCEQ from granting the application, that information would be relevant and material to a decision on the application. The ED recommends referring this issue to SOAH if the Commission grants the hearing requests.

4. Whether there are any violations regarding air quality issues that prevent TCEQ from granting the renewal application. (Response 5)

This is a mixed issue of fact and law. However, it is not relevant and material to a decision on the application, as any air quality issue at the Eagle Pass Mine is an air permit issue, not a wastewater discharge permit issue. The ED does not recommend referring this issue to SOAH.

5. Whether the receiving waters' aquatic life uses were characterized correctly as part of the antidegradation review performed for the existing permit. (Response 6)

This is an issue of fact. However, it is not relevant and material to a decision on the application, as it concerns TCEQ's review of a prior application. The ED does not recommend referring this issue to SOAH.

6. Whether Outfalls 021 and 002M must be removed from the draft permit due to new ownership of the land on which they are located.

This is a mixed issue of fact and law that was not raised during the public comment period. The ED does not recommend referring this issue to SOAH.

VI. Requests for Reconsideration Analysis

TCEQ received timely joint requests for reconsideration from MCEPHA, Gabriel De La Cerda, Dulce Esqueda, Mike Hernandez, and Walter Herring. The requestors raised the following issues:

TPDES Permit No. WQ0003511000 is in litigation. The requestors argued that the litigation matter and renewal application all concern the same permit, and as both permit actions are renewals and the existing permit remains in effect while the litigation matter is active, the permit does not need to be renewed at this time. They did not cite to any legal resource that states the permit remains in effect as long as litigation is ongoing. As the ED stated in Response 1 of the RTC, it is complying with TCEQ's renewal requirements, which state a renewal application must be filed within 180 days of a permit's expiration date. Dos Republicas wants its application processed, and TCEQ has no legal basis for delaying that process. As also stated in the RTC, even if the permit is renewed, TCEQ will still be bound by any holdings of the courts and required to carry out their orders. The ED notes that in the latest action in the litigation matter, the Third Court of Appeals affirmed TCEQ's order that granted the application.³ That decision was not challenged, and the Court's mandate closing the case was issued on November 2, 2022.

The draft permit is inconsistent with the permit approved by the Railroad Commission of Texas. The requestors' discussion focused on how they believed the related RTC response was insufficient. The requestors did not point to any legal requirement that the Railroad Commission mining permit and TCEQ discharge permit be identical. As stated in Response 2 of the RTC, TCEQ leaves outfalls in its discharge permits for surface coal mines until the outfalls have gone through the reclamation process. This may mean that some outfalls are never constructed and simply remain in

³ TCEQ v. Maverick County, 2022 WL 2960797 (Tex. App.—Austin, July 27, 2022).

the permit until reclamation activities at the mine have been completed and the permit is terminated.

Ponds SP-3 and SP-3 South have been in violation of existing TPDES permit provisions. In response to the RTC, the requestors provided additional information that showed Pond SP-3 was constructed in 2016, but Pond SP-3 South was not constructed until 2018. According to the requestors, this means DRCP was discharging onto the ground through Outfall 008M until Outfall 008R and its pond were constructed. However, according to the facility's discharge monitoring reports, Outfall 008 has never discharged.⁴ Therefore, as far as TCEQ is aware, there have never been any discharges, illegal or otherwise, at Outfalls 008M and 008R.

SP-2 (Outfall 003) does not conform to requirements of the TPDES permit. The requestors' discussion focused on how they believed the related RTC response was insufficient and did not point to any TCEQ requirement that regulates channel design for surface coal mines. The ED notes Dos Republicas' discharge monitoring reports contain effluent data for Outfall 003 dating back to 2015, so effluent can and does discharge via the outfall. According to the application, the effluent is pumped to discharge, as is the effluent at almost all of Dos Republicas' outfalls. There is no requirement that outfalls be able to discharge naturally, nor does TCEQ regulate surface coal mine channel design and installation. Unless there is an unauthorized discharge occurring that TCEQ investigators can go out and investigate at the time of occurrence, there is no violation for TCEQ to enforce against here. TCEQ actually did conduct a complaint investigation at the mine on October 13-15, 2015 and did not identify any TPDES permit violations.

DRCP has demonstrated such a level of malfeasance and willful failure to abide by TCEQ and RRC regulations in their past operations under existing permits that the TPDES permit should not be renewed. The requestors' discussion focused on how they believed the related RTC response was insufficient and did not provide any new information. The ED will note that violations issued by other agencies are not taken into account in TCEQ's compliance history reports, and TCEQ has investigated multiple violations reported against the Eagle Pass Mine. Nonetheless, the mine's and DRCP's compliance history scores remain low.

The antidegradation review is inadequate. The requestors' discussion focused on how they believed the related RTC response was insufficient and did not provide any new information. As noted above, the Third Court of Appeals recently upheld TCEQ's issuance of the draft permit, which included the court's findings that substantial evidence supported TCEQ's findings related to antidegradation for DRCP's 2013 application. As noted above, that decision was not challenged.

New ownership of RP-1, RP-2 and RP-3. According to the requestors, DRCP sold the portion of its facility that contains Ponds RP-1, RP-2, and RP-3 and their outfalls, Outfalls 021 and 022M, in October 2021 to Farming Hydrasource, LLC. They argued that because of the sale, Farming Hydrasource should now be the permit applicant for those ponds and outfalls. ED staff investigated the matter and confirmed the land sale. A review of the parties' Asset Purchase Agreement revealed that DRCP did not retain

⁴ Data was reviewed using the United States Environmental Protection Agency's ECHO website for the Eagle Pass Mine at <https://echo.epa.gov/detailed-facility-report?fid=110006617964>.

ownership and operational control over the ponds and outfalls under the sale's terms. However, DRCP has since entered into a lease with Farming Hydrasource that provides DRCP with ownership and operational control over the ponds and outfalls until the TPDES permit is cancelled or the ponds are removed from the permit. Therefore, in accordance with section 305.43(a) of TCEQ's rules, DRCP continues to be the appropriate permit applicant for the portion of the facility that contains Ponds RP-1, RP-2, and RP-3 and Outfalls 021 and 022M.

Conclusion: After reviewing the requests for reconsideration, the ED did not see any cause for altering the draft permit. Therefore, the ED recommends denying the requests for reconsideration.

VII. Contested Case Hearing Duration

If there is a contested case hearing on this application, the ED recommends the duration of the hearing be six months from the preliminary hearing to the presentation of a proposal for decision to the Commission.

VIII. Conclusion

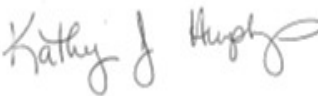
Because DRCP filed a renewal application that does not trigger any of the requirements for a contested case hearing in 30 Tex. Admin. Code § 55.201(i), all the hearing requests should be denied. As the requests for reconsideration did not provide sufficient support for altering the draft permit, they should be denied as well. However, if the Commission determines there is a right to a contested case hearing, the ED recommends granting all the hearing requests and referring Issue No. 3 for a six-month hearing.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

Erin E. Chancellor, Interim Executive Director

Charmaine Backens,
Deputy Director, Environmental Law Division
and Acting Director, Office of Legal Services


By: _____

Kathy J. Humphreys
Staff Attorney
Environmental Law Division
State Bar of Texas No. 24006911
MC-173, P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3417
Email: kathy.humphreys@tceq.texas.gov

MAILING LIST
DOS REPUBLICAS COAL PARTNERSHIP
DOCKET NO. 2022-0978-IWD; PERMIT NO. WQ0003511000

FOR THE APPLICANT:

Andres Gonzalez-Sarabvia Coss, President
Dos Republicas Coal Partnership
607 County Road 305
Eagle Pass, Texas 78852

Christina Hayes, Associate Consultant
BSI EHS Services and Solutions
7000 North MoPac Expressway Suite 200
Austin, Texas 78731

Nellie Frisbee, Environmental Manager
Camino Real Fuels, LLC
5150 North Loop 1604 West
San Antonio, Texas 78249

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-3417
kathy.humphreys@tceq.texas.gov

Thomas Starr, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC-148
P.O. Box 3087
Austin, Texas 78711
Tel: (512) 239-4570
Fax: (512) 239-4430
thomas.starr@tceq.texas.gov

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-4000
Fax: (512) 239-5678
pep@tceq.texas.gov

FOR PUBLIC INTEREST COUNSEL

via electronic mail:

Garrett T. Arthur, Public Interest Counsel
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-6363
Fax: (512) 239-6377
garrett.arthur@tceq.texas.gov

FOR ALTERNATIVE DISPUTE RESOLUTION

via electronic mail:

Kyle Lucas
Texas Commission on Environmental
Quality Alternative Dispute Resolution,
MC-222
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-0687
Fax: (512) 239-4015
kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK:

Docket Clerk
Texas Commission on Environmental
Quality Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-3300
Fax: (512) 239-3311
<https://www.tceq.texas.gov/goto/efilings>

REQUESTER(S)/INTERESTED PERSON(S):

See attached list.

REQUESTER(S)

George Baxter
PO Box 951
Eagle Pass, TX 78853-0951

Gabriel De La Cerda
307 County Road 307
Eagle Pass, TX 78852-4994

Dulce Esqueda
391 County Road 307
Eagle Pass, TX 78852-4994

Mike P Hernandez
2392 Hillcrest Blvd
Eagle Pass, TX 78852-4411

Walter Herring
3959 Fm 1588
Eagle Pass, TX 78852-4995

INTERESTED PERSON(S)

Jorge Barrera
PO Box 808
Eagle Pass, TX 78853-0808

Ricardo E Calderon
Eagle Pass Business Journal Inc
PO Box 2160
Eagle Pass, TX 78853-2160

Ramsey English Cantu
City Mayor, The City Of Eagle Pass
100 S Monroe St
Eagle Pass, TX 78852-4830

Gabriela Cisneros
4112 Margarita
Eagle Pass, TX 78852-5480

Aureliano & Terri Contreras
Rt 2 Box 211
Eagle Pass, TX 78852-0211

Tricia Cortez
Rio Grande International Study Center
1 W End Washington St
Bldg P11
Laredo, TX 78040-4300

Carol Cullar
1345 Simpson Dr
Eagle Pass, TX 78852-3430

Julia De Hoyos
1967 Sueno Cir
Eagle Pass, TX 78852-3760

Gabriel & Leticia De La Cerda
307 County Road 307
Eagle Pass, TX 78852-4994

Carlos E De La Pena
6106 N Us Highway 277
Eagle Pass, TX 78852-3089

Enriqueta Diaz
1242 Royal Haven Dr
Eagle Pass, TX 78852-3825

Brent A Elliott
Director, Railroad Commission Of Texas
PO Box 12967
Austin, TX 78711-2967

Edna Espinoza
1884 Misty Hollow Dr
Eagle Pass, TX 78852-6499

Ivan Espinoza
1884 Misty Hollow Dr
Eagle Pass, TX 78852-6499

Santiago Espinoza
1884 Misty Hollow Dr
Eagle Pass, TX 78852-6499

Anel P Flores
3658 Deer Run Blvd
Eagle Pass, TX 78852-3766

Victor M Flores
1315 Salinas St
Eagle Pass, TX 78852-3724

David O Frederick Perales Allmon & Ice Pc
1206 San Antonio St
Austin, TX 78701-1834

Margarita R Garcia
3245 Sueno Cir
Eagle Pass, TX 78852-3738

Alfredo & Carmen Garza
1373 Rivera Dr
Eagle Pass, TX 78852-3722

Gricelda Garza
3235 Sueno Cir
Eagle Pass, TX 78852-3738

Jessica A Garza
1225 Pecan Dr
Eagle Pass, TX 78852-3348

Minerva R Garza
2874 Rodriguez St
Eagle Pass, TX 78852-3664

Raul & Rosalinda B Gonzalez
2008 Ricks Dr
Eagle Pass, TX 78852-3337

Rudy Heredia
PO Box 913
Eagle Pass, TX 78853-0913

Carlos Hernandez
1975 N Veterans Blvd Ste 6
Eagle Pass, TX 78852-6114

Gloria Hernandez
490 Hillcrest Blvd
Eagle Pass, TX 78852-4617

Norma Hernandez
Hc 6 Box 137
Eagle Pass, TX 78852-9711

Ladye Herring
3959 Fm 1588
Eagle Pass, TX 78852-4995

Socorro Hurley
2913 Diaz St
Eagle Pass, TX 78852-3643

Ekuterio Rodriguez & Grace A Ibarra
2978 Sanchez Ave
Eagle Pass, TX 78852-3003

Juan Jose Jimenez
PO Box 5462
Eagle Pass, TX 78853-5462

Jaime Kypuros
700 N Saint Marys St Ste 300
San Antonio, TX 78205-3507

Jose G Landa
2937 Rodriguez St
Eagle Pass, TX 78852-3665

Randy Laurence
4289 Fm 1664
Quemado, TX 78877-7815

Carlos S Libson Sr
108 Wichita Cir
Eagle Pass, TX 78852-5484

Rafael S Lira
1513 Agarita Dr
Eagle Pass, TX 78852-5843

Cesar R Lozano Jr
1203 Kiriaka Dr
Eagle Pass, TX 78852-5510

Larry C Maddux
City Of Junction
730 Main St
Junction, TX 76849-4608

Luis F Martinez
PO Box 3511
Eagle Pass, TX 78853-3511

Ruben Martinez
1859 Willow Creek Dr
Eagle Pass, TX 78852-6498

Socorro Martinez
1859 Willow Creek Dr
Eagle Pass, TX 78852-6498

Elvira Melchor
1275 Lazar Dr
Eagle Pass, TX 78852-5656

Rosie M Moncada
1216 Royal Club Dr
Eagle Pass, TX 78852-3821

Armando Monsivais
Rt 2 Box 346
Eagle Pass, TX 78852

Heriberto Morales Jr
401 Quarry St
Eagle Pass, TX 78852-4526

Eduardo Navejas
1296 Agarita Dr
Eagle Pass, TX 78852-5840

Beatriz Ortiz
1710 Nelly Mae Glass Dr
Eagle Pass, TX 78852-3537

Martha Palmer
3427 Tina Dr
Eagle Pass, TX 78852-3746

Sonia Palomo
2632 Cenizo Hts
Eagle Pass, TX 78852-3616

Jorge Eduardo Perales
PO Box 487
Eagle Pass, TX 78853-0487

Martha M Ramirez
PO Box 2020
Eagle Pass, TX 78853-2020

Martha S Ramirez
PO Box 2020
Eagle Pass, TX 78853-2020

Ricardo Ramos
931 Webster St
Eagle Pass, TX 78852-3957

Gloria E Reyna
1340 Gazelle Dr
Eagle Pass, TX 78852-5483

Javier Riojas
Texas RioGrande Legal Aid, Inc.
PO Box 2001
Eagle Pass, TX 78853-2001

Rebecca Robinson
104 Sioux Cir
Eagle Pass, TX 78852-5784

Moises Rocha
3674 Deer Run Blvd
Eagle Pass, TX 78852-3766

Henry P Rodriguez
2908 Rodriguez St
Eagle Pass, TX 78852-3666

Olyvia Rodriguez
Hc 2 Box 171
Eagle Pass, TX 78852-9603

Paula M Roper
11180 N Us Highway 277
Eagle Pass, TX 78852-5493

Jose Luis Rosales
3737 Deer Run Blvd
Eagle Pass, TX 78852-4087

Roberto Ruiz
500 Quarry St
Ste 3
Eagle Pass, TX 78852-4576

Diana L Sanchez
PO Box 2975
Eagle Pass, TX 78853-2975

Jesus Sanchez
1003 Stephanie Dr
Eagle Pass, TX 78852-5527

Edward M Sandoval
2590 Becos St
Eagle Pass, TX 78852-3612

Luis E Sifuentes
1685 Rock Hill Dr
Eagle Pass, TX 78852-6485

Jenny Smith
401 Congress Ave Ste 1540
Austin, TX 78701-3851

John P Sullivan
48 Arnulfo Diaz St
Eagle Pass, TX 78852-7410

Mary Torres
935 W Silver Sands Dr Apt 2705
San Antonio, TX 78216-5424

Yadira Torres
PO Box 2974
Eagle Pass, TX 78853-2974

Hector R Trevino
70 Academy Rd
Eagle Pass, TX 78852-3044

Maribel Urrutia
PO Box 5462
Eagle Pass, TX 78853-5462

Enrique Valdivia
Counsel, Texas RioGrande Legal Aid Inc
1111 N Main Ave
San Antonio, TX 78212-4713

Juan E Vela
1309 Erline Dr
Eagle Pass, TX 78852-5858

Sandra Vela
1309 Erline Dr
Eagle Pass, TX 78852-5858

Teresa Vieths
2600 Cenizo Hts
Eagle Pass, TX 78852-3616

Blanca Villarreal
1324 Alamosa St
Eagle Pass, TX 78852-5804

Attachment A

Dos Republicas Coal Partnership

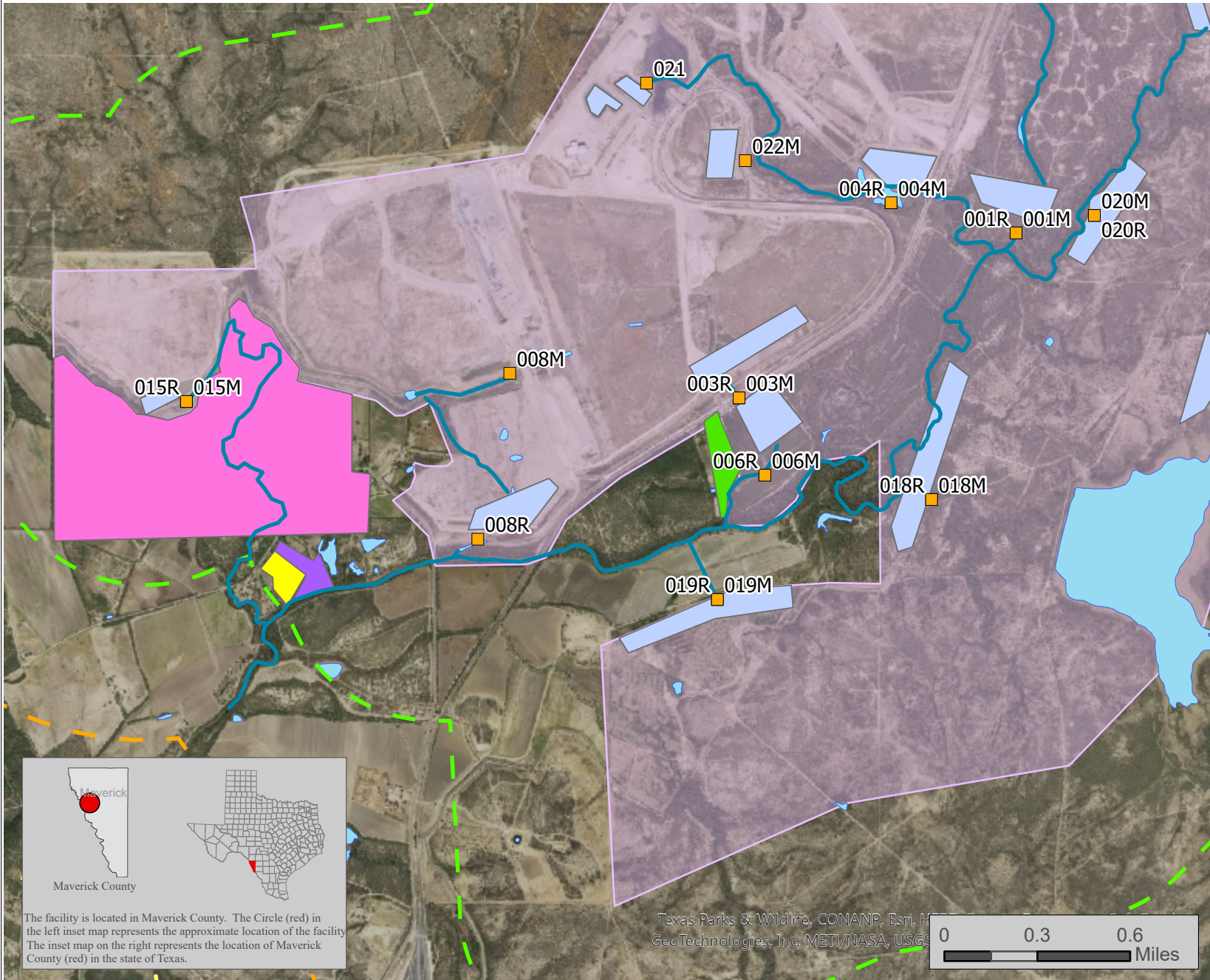
TPDES Permit No. WQ0003511000

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 7/14/2022
CRF 0074099
Cartographer: alortiz

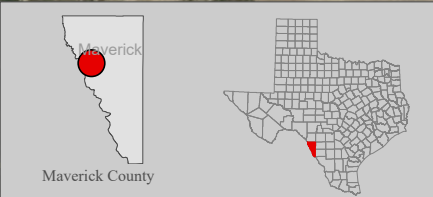


- Outfall
- Dulce Esqueda
- Gabriel De La Cerda
- Mike Hernandez
- Walter Herring
- 0.5 Mile from Facility Boundary
- 1 Mile from Facility Boundary
- 1.5 Miles from Facility Boundary
- Sedimentation Pond
- Lake/Pond
- One-Mile Discharge Route
- Project Boundary

Distance from Requestor address to
Property boundary in miles:
Dulce Esqueda : 0.37
Gabriel De La Cerda: 0.29
Mike Hernandez: 0
Walter Herring: 0

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



The facility is located in Maverick County. The Circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Maverick County (red) in the state of Texas.

Texas Parks & Wildlife, CONANP, Esri, H
GeoTechnologies, Inc, METI/NASA, USGS

