Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk **DATE:** December 22, 2022

From: Kathy Humphreys
Staff Attorney
Environmental Law Division

Subject: Backup Documents Filed for Consideration of Hearing Requests at Agenda

Applicant:	Dos Republicas Coal Partnership
Proposed Permit No.:	WQ0003511000
Program:	Water
Docket No.:	TCEQ Docket No. 2022-0978-IWD

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

- Draft permit
- Statement of Basis/Technical Summary and ED's preliminary decision
- Compliance history report

TPDES PERMIT NO.
WQ0003511000
[For TCEQ office use only -
EPA I.D. No. TX0109011]

This renewal replaces TPDES Permit No. WQ0003511000, issued on September 20, 2016.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code
and 40 CFR Part 40 CFR Part 434, Subpart C, E, and F

Dos Republicas Coal Partnership

whose mailing address is

607 County Road 305
Eagle Pass, Texas 78852

is authorized to treat and discharge wastes from Eagle Pass Mine, a sub-bituminous coal mine (SIC 1221)

located at 607 County Road 305, northeast of the City of Eagle Pass, in Maverick County, Texas 78852

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; 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; via Outfalls 016M/R and 020M/R to Elm Creek; thence to RioGrande Below Amistad Reservoir in Segment 2304 of the Rio Grande Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of permit issuance.

ISSUED DATE:

For the Commission

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge stormwater and mine seepage from the active mining areas[1] subject to the following effluent limitations:

   Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/week[2]	Estimate
Total Suspended Solids	35	70	70	1/week[2]	Grab
Iron, Total	3.0	6.0	6.0	1/week[2]	Grab
Manganese, Total	1.0	3.0	3.0	1/week[2]	Grab
Selenium, Total	N/A	0.036	0.036	1/week[2]	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week[2] by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following locations:
   - At Outfall 001M, after discharge from pond SP-6 and prior to mixing with any other water.
   - At Outfall 003M, after discharge from pond SP-2 and prior to mixing with any other water.
   - At Outfall 004M, after discharge from pond SP-1 and prior to mixing with any other water.
   - At Outfall 006M, after discharge from pond SP-7 and prior to mixing with any other water.
   - At Outfall 007M, after discharge from pond SP-5 and prior to mixing with any other water.
   - At Outfall 008M, after discharge from pond SP-3 and prior to mixing with any other water.

[1] See Other Requirement Nos. 2 and 3.
[2] When discharge occurs.

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge stormwater and mine seepage from the active mining areas[1] subject to the following effluent limitations:

   Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/week[2]	Estimate
Total Suspended Solids	35	70	70	1/week[2]	Grab
Iron, Total	3.0	6.0	6.0	1/week[2]	Grab
Manganese, Total	1.0	3.0	3.0	1/week[2]	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week[2] by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following locations:
   - At Outfall 015M, after discharge from pond SP-4 and prior to mixing with any other water.
   - At Outfall 016M, after discharge from pond SP-8 and prior to mixing with any other water.
   - At Outfall 017M, after discharge from pond SP-9 and prior to mixing with any other water.
   - At Outfall 018M, after discharge from pond SP-10 and prior to mixing with any other water.
   - At Outfall 019M, after discharge from pond SP-11 and prior to mixing with any other water.
   - At Outfall 020M, after discharge from pond SP-12 and prior to mixing with any other water.

[1] See Other Requirement Nos. 2 and 3.
[2] When discharge occurs.

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge stormwater from the post-mining areas[1] subject to the following effluent limitations:

   Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/week[2]	Estimate
Settleable Solids	N/A	0.5 ml/L	0.5 ml/L	1/week[2]	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week[2] by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following locations:
   - At Outfall 001R, after discharge from pond SP-6 and prior to mixing with any other water.
   - At Outfall 003R, after discharge from pond SP-2 and prior to mixing with any other water.
   - At Outfall 004R, after discharge from pond SP-1 and prior to mixing with any other water.
   - At Outfall 006R, after discharge from pond SP-7 and prior to mixing with any other water.
   - At Outfall 007R, after discharge from pond SP-5 and prior to mixing with any other water.
   - At Outfall 008R, after discharge from pond SP-3 and prior to mixing with any other water.
   - At Outfall 015R, after discharge from pond SP-4 and prior to mixing with any other water.
   - At Outfall 016R, after discharge from pond SP-8 and prior to mixing with any other water.
   - At Outfall 017R, after discharge from pond SP-9 and prior to mixing with any other water.
   - At Outfall 018R, after discharge from pond SP-10 and prior to mixing with any other water.
   - At Outfall 019R, after discharge from pond SP-11 and prior to mixing with any other water.
   - At Outfall 020R, after discharge from pond SP-12 and prior to mixing with any other water.

[1] See Other Requirement Nos. 2 and 3.
[2] When discharge occurs.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS — Outfall Number 021

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge stormwater runoff from fueling areas, fuel storage areas, vehicle and equipment maintenance areas, truck washing stations, and coal handling and storage areas subject to the following effluent limitations:

   Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/week[1]	Estimate
Total Suspended Solids	Report	50	50	1/week[1]	Grab
Oil and Grease	15	20	20	1/week[1]	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week[1] grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following locations: At Outfall 021, at the spillway of Pond RP-2 and prior to mixing with any other water.

[1] When discharge occurs.

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge mine pit water from the active mining areas[1] and stormwater from inside the rail loop subject to the following effluent limitations:

   Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/week[2]	Estimate
Total Suspended Solids	35	70	70	1/week[2]	Grab
Iron, Total	3.0	6.0	6.0	1/week[2]	Grab
Manganese, Total	1.0	3.0	3.0	1/week[2]	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week[2] by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following locations: At Outfall 022M, after discharge from Pond RP-3 and prior to mixing with any other water.

[1] See Other Requirement Nos. 2 and 3.
[2] When discharge occurs.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in Texas Water Code §26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder, and limited to major domestic wastewater discharge facilities with a one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

      ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

   b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

   c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

   d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total

mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

e. Bacteria concentration (Fecal coliform, *E. coli*, or Enterococci) – the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD × Concentration, mg/L × 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

   a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(c).

   b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act; TWC Chapters 26, 27, and 28; and THSC Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

   a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

   b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

   a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

   b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR §264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

   c. Records of monitoring activities shall include the following:

      i. date, time, and place of sample or measurement;
      ii. identity of individual who collected the sample or made the measurement;
      iii. date and time of analysis;
      iv. identity of the individual and laboratory who performed the analysis;
      v. the technique or method of analysis; and
      vi. the results of the analysis or measurement and quality assurance/quality control records.

      The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

   If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

   All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

   Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the regional office and the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the regional office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective September 1, 2020, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

   b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

      i. unauthorized discharges as defined in Permit Condition 2(g).
      ii. any unanticipated bypass that exceeds any effluent limitation in the permit.
      iii. violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

   c. In addition to the above, any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the regional office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

   d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

   All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the regional office, orally or by facsimile transmission within 24 hours, and both the regional office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

   a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

      i. one hundred micrograms per liter (100 µg/L);
      ii. two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
      iii. five (5) times the maximum concentration value reported for that pollutant in the permit application; or
      iv. the level established by the TCEQ.

b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. five hundred micrograms per liter (500 µg/L);
ii. one milligram per liter (1 mg/L) for antimony;
iii. ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. the level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

11. All POTWs must provide adequate notice to the Executive Director of the following:

a. any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA §301 or §306 if it were directly discharging those pollutants;

b. any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. for the purpose of this paragraph, adequate notice shall include information on:

i. the quality and quantity of effluent introduced into the POTW; and
ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

i. violation of any terms or conditions of this permit;
ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment,

revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§305.62 and 305.66 and TWC §7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC §305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility that does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA §402, or any requirement imposed in a pretreatment program approved under the CWA §§402(a)(3) or 402(b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC §7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment or Renewal

   a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

      i. the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC §305.534 (relating to New Sources and New Dischargers); or

      ii. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or

      iii. the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

   c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

   d. Prior to accepting or generating wastes that are not described in the permit application or that would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

   e. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

   f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA §307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

   This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

   Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to Texas Water Code Chapter 11.

8. Property Rights

   A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

   The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

    The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

    a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

       i. the permittee;
       ii. an entity (as that term is defined in 11 USC, §101(15)) controlling the permittee or listing the permit or permittee as property of the estate; or
       iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

    b. This notification must indicate:

       i. the name of the permittee;
       ii. the permit number(s);
       iii. the bankruptcy court in which the petition for bankruptcy was filed; and
       iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

   a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

   b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).

7. Documentation

   For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion or upgrading of the domestic wastewater treatment or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment or collection facilities. In the case of a domestic wastewater treatment facility that reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:

a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. volume of waste and date(s) generated from treatment process;
ii. volume of waste disposed of on-site or shipped off-site;
iii. date(s) of disposal;

iv. identity of hauler or transporter;
v. location of disposal site; and
vi. method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC Code Chapter 361.

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OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 16 within 24 hours from the time the permittee becomes aware of the violation, followed by a written report within five working days to TCEQ Region 16 and Compliance Monitoring Team (MC 224):

Pollutant	MAL[1] (mg/L)
Iron (Total)	0.007
Manganese (Total)	0.0005
Selenium (Total)	0.005
Settleable Solids	0.5 ml/L

Test methods used must be sensitive enough to demonstrate compliance with the permit effluent limitations. If an effluent limit for a pollutant is less than the MAL, then the test method for that pollutant must be sensitive enough to demonstrate compliance at the MAL. Permit compliance/noncompliance determinations will be based on the effluent limitations contained in this permit, with consideration given to the MAL for the pollutants specified above.

When an analysis of an effluent sample for a pollutant listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero shall be used for that measurement when making calculations for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When a reported value is zero based on this MAL provision, the permittee shall submit the following statement with the self-reporting form either as a separate attachment to the form or as a statement in the comments section of the form:

> "The reported value(s) of zero for [list pollutant(s)] on the self-reporting form for [monitoring period date range] is based on the following conditions: (1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and (2) the analytical results contained no detectable levels above the specified MAL."

When an analysis of an effluent sample for a pollutant indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that pollutant, the level of detection achieved shall be used for that measurement when making calculations for the self-reporting form. A zero may not be used.

2. Definitions.

   a. The term "active mining area" is defined as an area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas, and post-mining areas.

   b. The term "post-mining area" is defined as a reclamation area or the underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

[1] Minimum analytical level.

c. The term "reclamation area" is defined as the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

d. The term "settleable solids" is defined as matter that is measured by the volumetric method specified in 40 CFR §434.64.

e. The term "bond release" is defined as the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed. Phase Two completion is that point in the reclamation process where the property has been recontoured and replanted but prior to final bond release.

f. The term "2-year, 24-hour precipitation event" is defined as the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

g. The term "mine drainage" is defined as any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area.

h. The term "acid or ferruginous mine drainage" is defined as mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/L.

i. The term "retention pond" is defined as a sedimentation pond used to treat mine pit water and other waters associated with mining activities.

3. Additional Monitoring and Reporting Requirements for Retention Ponds.

a. All discharges from all retention ponds must comply with the limitations for hazardous metals as regulated under 30 TAC Chapter 319, Subchapter B, Hazardous Metals.

b. Sampling Requirements

In addition to the reporting required under this permit at pages 2, 2a, and 2e, the permittee shall sample and analyze each effluent discharge once per two weeks for active mining area ponds and once per month for post-mining area ponds. Analysis shall be conducted for effluent discharged from each retention pond constructed and operated under this permit, except for

i. effluent discharged from retention ponds in a series, which shall be sampled at a point from the last pond in the series, and

ii. effluent discharged from multiple retention ponds commingled in a pipe or a man-made conveyance structure before discharging into water in the state, which shall be sampled at a point prior to mixing with other waste waters or waters of the state.

Sampling is not required for those retention ponds which had no effluent discharge during the two-week period for active mining areas and monthly period for post-mining areas. The analytical results from the routine monitoring required on pages 2, 2a, and 2e may be used to fulfill the requirements of this provision provided the results are obtained from each individual pond discharge as required by this provision.

c. Effluent Limitations for Acid or Ferruginous Active Mining Areas Regulated by 40 CFR Part 434.

i. Effluent discharges from an active mining area **not caused by precipitation** within any 24-hour period shall not exceed the following limitations:

Pollutant	Daily Average	Daily Maximum
Total Iron	3.0 mg/L	6.0 mg/L
Total Manganese	1.0 mg/L	3.0 mg/L
Total Suspended Solids	35 mg/L	70 mg/L
pH (standard units)	6.0 minimum - 9.0 maximum at all times	

ii. Effluent discharges from an active mining area caused by precipitation within any 24-hour period **less than or equal to the 2-year, 24-hour precipitation event** shall not exceed the following limitations:

Pollutant	Effluent Limitations
Total Iron	7.0 mg/L maximum not to be exceeded
Settleable Solids	0.5 ml/L maximum not to be exceeded
pH (standard units)	6.0 minimum - 9.0 maximum at all times

iii. Effluent discharges from an active mining area caused by precipitation within any 24-hour period **greater than the 2-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event**, shall not exceed the following limitations:

Pollutant	Effluent Limitations
Settleable Solids	0.5 ml/L maximum not to be exceeded
pH (standard units)	6.0 minimum - 9.0 maximum at all times

iv. Effluent discharges from an active mining area caused by precipitation within any 24-hour period **greater than the 10-year, 24-hour precipitation event** shall not exceed the following limitations:

Pollutant	Effluent Limitations
pH (standard units)	6.0 minimum - 9.0 maximum at all times

d. Effluent Limitations for Post-Mining Areas

i. Effluent discharges from post-mining areas **not caused by precipitation** shall not exceed the following limitations:

Pollutant	Effluent Limitations
Settleable Solids	0.5 ml/L maximum not to be exceeded
pH (standard units)	6.0 minimum - 9.0 maximum at all times

ii. Effluent discharges from post-mining areas within any 24-hour period **greater than the 10-year, 24-hour precipitation event** shall not exceed the following limitations:

Pollutant	Effluent Limitations
pH (standard units)	6.0 minimum - 9.0 maximum at all times

e. The permittee bears the burden of proof in establishing the volume of a precipitation event.

4. Location Information: The following tables show the operational phase and the sedimentation ponds associated with active mining and post-mining final outfalls. The discharges flow from the ponds and into tributaries of the Rio Grande Below Amistad Reservoir:

Table 1 – Mining Impoundment Information

Outfall Number	Final Discharge Pond	Latitude	Longitude	Current Active Mining	Current Post-Mining	Future
001M	SP-6	28° 48' 46"	-100° 26' 22"			✓
001R	SP-6	28° 48' 46"	-100° 26' 22"			✓
003M	SP-2	28° 48' 18"	-100° 27' 15"	✓		
003R	SP-2	28° 48' 18"	-100° 27' 15"			✓
004M	SP-1	28° 48' 51"	-100° 26' 46"	✓		
004R	SP-1	28° 48' 51"	-100° 26' 46"			✓
006M	SP-7	28° 48' 05"	-100° 27' 10"			✓
006R	SP-7	28° 48' 05"	-100° 27' 10"			✓
007M	SP-5	28° 49' 53"	-100° 25' 55"			✓
007R	SP-5	28° 49' 53"	-100° 25' 55"			✓
008M	SP-3	28° 47' 54"	-100° 28' 03"	✓		
008R	SP-3	28° 47' 54"	-100° 28' 03"			✓
015M	SP-4	28° 48' 17"	-100° 29' 01"	✓		
015R	SP-4	28° 48' 17"	-100° 29' 01"			✓
016M	SP-8	28° 49' 26"	-100° 25' 47"			✓
016R	SP-8	28° 49' 26"	-100° 25' 47"			✓
017M	SP-9	28° 48' 13"	-100° 25' 42"			✓
017R	SP-9	28° 48' 13"	-100° 25' 42"			✓
018M	SP-10	28° 48' 01"	-100° 26' 38"			✓
018R	SP-10	28° 48' 01"	-100° 26' 38"			✓
019M	SP-11	28° 47' 44"	-100° 27' 19"			✓
019R	SP-11	28° 47' 44"	-100° 27' 19"			✓
020M	SP-12	28° 48' 49"	-100° 26' 07"			✓
020R	SP-12	28° 48' 49"	-100° 26' 07"			✓
021	RP-2	28° 49' 11"	-100° 27' 33"	N/A		
022M	RP-3	28° 48' 58"	-100° 27' 14"	N/A		

Latitude and longitude are established after construction, the permittee shall submit the updated latitude and longitude for each exact pond location to the TCEQ Industrial Permits Team (MC-148) and TCEQ Region 16 Office.

a. The permittee shall maintain a current map and supporting documentation, as necessary, on the site that shows and lists all constructed ponds with the operational phase (active mining or post-mining), design dimensions, construction information, pond drainage area, pond location, discharge routes, sample locations, and outfall locations. The map shall be available to TCEQ personnel upon request.

b. In preparation of mining activities in a specific watershed area, the permittee shall construct the retention pond(s) necessary to retain water from the mining activity prior to disturbing the natural soils in the contributing watershed area.

c. The permittee may change the location of and reconfigure ponds if necessary to establish ponds in a series or to allow effluent to be commingled in a pipe or man-made conveyance as long as the final discharge point or outfall is authorized herein. No final outfalls other than those listed in Table 1 above that are associated with the active mining areas and post-mining areas are authorized by this permit.

d. Discharges from the outfalls shall be monitored in accordance with permit requirements from the time the natural soils are disturbed due to mining activity until reclamation of the disturbed soils has been completed and the Phase Two performance bond issued by the appropriate authority has been released.

e. Written notification is required as follows:

i. Within 45 days of any revision of the pond map, including changing to or from the active mining or post-mining operational phase and to or from the active or inactive status (see subsection f. below)

ii. Upon initiation of any mining-related activity in the watershed of any pond

iii. At least 10 days prior to closing a retention pond or discontinuing monitoring of discharges

All written notifications are required to be submitted to the TCEQ Industrial Permits Team (MC 148), TCEQ Enforcement Division (MC 224), and TCEQ Region 16 Office.

f. Reporting requirements pursuant to 30 TAC Sections 319.1-319.12 and any additional effluent reporting requirements contained in this permit (as designated in the "Future" column in Table 1 above) are suspended from the effective date of the permit until mine operation startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Region 16 Office and the Applications Review and Processing Team (MC-148) of the Water Quality Division at least forty-five (45) days prior to mine operation startup or anticipated discharge, whichever occurs first, on Notification of Completion Form 20007.

5. The permittee must apply for and receive authorization to add additional outfalls and associated ponds which are not identified in this permit prior to their construction and use. The permittee may file an application for a permit renewal with changes to identify additional outfalls and associated ponds prior to the expiration of this permit if

a. the approximate location of each outfall is delineated by latitude and longitude in the application for renewal with changes and public notice of the application by newspaper publication is provided in accordance with commission rules,

b. the permitted boundary is not expanded,

c. any adjacent property located within ½ mile of an additional outfall or associated pond, or downstream property located adjacent to the discharge route associated with an additional outfall and within one mile downstream of the outfall, is not newly adjacent or downstream solely because of the addition of an outfall or associated pond identified in the application for renewal with changes,

d. no new wastestream is added to the discharge, and

e. no new receiving waters extend beyond the permitted boundary.

Each subsequent permit action to add additional outfalls and associated ponds which are not identified in this permit shall be treated as a renewal with changes and not an amendment if the permittee complies with the requirements in subsections a. through e. above.

6. The permittee may use water contained in any active mining area or post-mining area sedimentation pond for dust suppression purposes.

7. This permit does not authorize the discharge of stormwater from construction activities. The permittee shall obtain all necessary permits, including coverage under Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit No. TXR150000, or the most recent construction stormwater general permit as applicable, prior to initiating any stormwater discharge from construction at the site.

8. The permittee shall provide to the TCEQ Wastewater Permitting Section (MC-148) copies of all groundwater quality monitoring results that it is required to send to the Railroad Commission of Texas (RCT) pursuant to its RCT mining and reclamation permit.

9. This permit does not authorize the disposal of domestic sewage. Domestic sewage shall be routed to a septic tank/drainfield system or disposed of by other authorized methods.

10. Wastewater discharged via Outfalls 001M/R, 003M/R, 004M/R, 006M/R-008M/R, 015M/R-020M/R, and 022M must be sampled and analyzed as directed below for those parameters listed in Tables 1, 2, and 3 of Attachment A of this permit. Wastewater discharged via Outfall 021 must be sampled and analyzed as directed below for those parameters listed in Table 1 of Attachment A of this permit. Analytical testing for Outfalls 001M/R, 003M/R, 004M/R, 006M/R-008M/R, 015M/R-020M/R, 021, and 022M must be completed within 60 days of initial discharge. Results of the analytical testing must be submitted within 90 days of each of the four discharges for each outfall to the TCEQ Industrial Permits Team (MC-148). Sample and analyze the first discharge that occurs after a 24-month period following the fourth discharge, and the first discharge after each successive 24-month period following the previous sampled discharge, for each outfall utilizing the same procedures set forth in this provision. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations, monitoring requirements, or both.

    Table 1: Analysis is required for all pollutants in Table 1. Wastewater must be sampled and analyzed for those parameters listed in Table 1 for a minimum of four sampling events that each occur at least one week apart.

    Table 2: Analysis is required for those pollutants in Table 2 that are used at the facility that could in any way contribute to contamination in the discharges from Outfalls 001M/R, 003M/R, 004M/R, 006M/R-008M/R, 015M/R-020M/R, and 022M. Sampling and analysis must be conducted for a minimum of four sampling events that each occur at least one week apart.

    Table 3: For all pollutants listed in Table 3, the permittee shall indicate whether each pollutant is believed to be present or absent in the discharge. Sampling and analysis must be conducted for each pollutant believed present for a minimum of four sampling events that each occur at least one week apart.

    The permittee shall report the flow at Outfalls 001M/R, 003M/R, 004M/R, 006M/R-008M/R, 015M/R-020M/R, 021, and 022M in MGD in the attachment. The permittee shall indicate on each table whether the samples are composite (C) or grab (G) by checking the appropriate box.

Attachment 1

Table 1 – Conventionals and Non-conventionals

Outfall No.: ☐C ☐G	Effluent Concentration (mg/L)					
Pollutant	**Samp.**	**Samp.**	**Samp.**	**Samp.**	**Average**	
Flow (MGD)						
BOD (5-day)						
CBOD (5-day)						
Chemical Oxygen Demand						
Total Organic Carbon						
Dissolved Oxygen						
Ammonia Nitrogen						
Total Suspended Solids						
Nitrate Nitrogen						
Total Organic Nitrogen						
Total Phosphorus						
Oil and Grease						
Total Residual Chlorine						
Total Dissolved Solids						
Sulfate						
Chloride						
Fluoride						
Total Alkalinity (mg/L as $CaCO_3$)						
Temperature (°F)						
pH (Standard Units; min/max)						

Table 2 – Metals

Pollutant	**Effluent Concentration (µg/L)[1]**					**MAL[2] (µg/L)**
	Samp.	**Samp.**	**Samp.**	**Samp.**	**Average**	
Aluminum, Total						2.5
Antimony, Total						5
Arsenic, Total						0.5
Barium, Total						3
Beryllium, Total						0.5
Cadmium, Total						1
Chromium, Total						3
Chromium, Hexavalent						3
Chromium, Trivalent						N/A
Copper, Total						2
Cyanide, Free						10
Lead, Total						0.5

[1] Indicate units if different than µg/L.
[2] Minimum Analytical Level

Pollutant	Effluent Concentration (µg/L)[1]					MAL[2] (µg/L)
	Samp.	Samp.	Samp.	Samp.	Average	
Mercury, Total						0.005
Nickel, Total						2
Selenium, Total						5
Silver, Total						0.5
Thallium, Total						0.5
Zinc, Total						5.0

Table 3 – Toxic Pollutants with Water Quality Criteria

Outfall No.: ☐C ☐G Pollutant	Samp. 1 (µg/L)[3]	Samp. 2 (µg/L)[3]	Samp. 3 (µg/L)[3]	Samp. 4 (µg/L)[3]	Avg. (µg/L)[3]	MAL (µg/L)
Acrolein						0.7
Acrylonitrile						50
Anthracene						10
Benzene						10
Benzidine						50
Benzo(*a*)anthracene						5
Benzo(*a*)pyrene						5
Bis(2-chloroethyl)ether						10
Bis(2-ethylhexyl) phthalate						10
Bromodichloromethane						10
Bromoform						10
Carbon Tetrachloride						2
Chlorobenzene						10
Chlorodibromomethane						10
Chloroform						10
Chrysene						5
Cresols						10
1,2-Dibromoethane						10
m-Dichlorobenzene						10
o-Dichlorobenzene						10
p-Dichlorobenzene						10
3,3'-Dichlorobenzidine						5
1,2-Dichloroethane						10
1,1-Dichloroethylene						10
Dichloromethane						20
1,2-Dichloropropane						10
1,3-Dichloropropylene						10
2,4-Dimethylphenol						10
Di-*n*-Butyl Phthalate						10
Epichlorohydrin						1,000
Ethylbenzene						10

[3] Indicate units if different than µg/L.

Outfall No.: ☐C ☐G Pollutant	Samp. 1 (µg/L)[3]	Samp. 2 (µg/L)[3]	Samp. 3 (µg/L)[3]	Samp. 4 (µg/L)[3]	Avg. (µg/L)[3]	MAL (µg/L)
Ethylene Glycol						—
Fluoride						500
Hexachlorobenzene						5
Hexachlorobutadiene						10
Hexachlorocyclopentadiene						10
Hexachloroethane						20
4,4′-Isopropylidenediphenol [bisphenol A]						—
Methyl Ethyl Ketone						50
Methyl *tert*-butyl ether [MTBE]						—
Nitrobenzene						10
N-Nitrosodiethylamine						20
N-Nitroso-di-*n*-Butylamine						20
Nonylphenol						333
Pentachlorobenzene						20
Pentachlorophenol						5
Phenanthrene						10
Polychlorinated Biphenyls (PCBs)[4]						0.2
Pyridine						20
1,2,4,5-Tetrachlorobenzene						20
1,1,2,2-Tetrachloroethane						10
Tetrachloroethylene						10
Toluene						10
1,1,1-Trichloroethane						10
1,1,2-Trichloroethane						10
Trichloroethylene						10
2,4,5-Trichlorophenol						50
TTHM (Total Trihalomethanes)						10
Vinyl Chloride						10

[4] Total of detects for PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016. If all values are non-detects, enter the highest non-detect preceded by a "<" symbol.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003511000, U.S. Environmental Protection Agency (EPA) ID No. TX0109011, to discharge to water in the state

Issuing Office:	Texas Commission on Environmental Quality (TCEQ) P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	Dos Republicas Coal Partnership 607 County Road 305 Eagle Pass, Texas 78852
Prepared By:	Thomas E. Starr Wastewater Permitting Section Water Quality Division (512) 239-4570
Date:	January 22, 2021
Permit Action:	Renewal; TPDES Permit No. WQ0003511000

I. EXECUTIVE DIRECTOR RECOMMENDATION

The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit will expire at midnight, five years from the date of permit issuance according to the requirements of 30 Texas Administrative Code (TAC) §305.127(1)(C)(i).

II. APPLICANT ACTIVITY

The applicant currently operates Eagle Pass Mine, a sub-bituminous coal mine.

III. DISCHARGE LOCATION

As described in the application, the facility is located 607 County Road 305, north of the City of Eagle Pass, in Maverick County, Texas 78852. The discharge route is from the plant site 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 Outfalls 015M/R to an unnamed ditch, thence 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.

IV. RECEIVING STREAM USES

The unclassified receiving water uses are minimal aquatic life use for the unnamed ditches and the unnamed tributaries associated with Outfalls 001M, 004M, 008M, 017M, 018M, and 021; limited aquatic life use for the unnamed tributaries associated with Outfalls 007M and 015M, and Hediondo Creek; and high aquatic use for Elm Creek. The designated uses for Segment No. 2304 are primary contact recreation, public water supply, and high aquatic life use.

V. STREAM STANDARDS

The general criteria and numerical criteria that make up the stream standards are provided in 30 TAC §§ 307.1 - 307.10.

VI. DISCHARGE DESCRIPTION

The following is a quantitative description of the discharge described in the monthly effluent report data for the period February 2015 through November 2020. The "average of daily average" values presented in the following table are the average of all daily average values for the reporting period for each pollutant. The "maximum of daily maximum" values presented in the following table are the individual maximum values for the reporting period for each pollutant. Flows are expressed in million gallons per day (MGD). All pH values are expressed in standard units (SU).

A. Flow

Outfall	Frequency	Average of Daily Average, MGD	Maximum of Daily Maximum, MGD
003	Intermittent	3.433	5.1
004	Intermittent	2.32	2.4

B. Effluent Characteristics

Outfall	Pollutant	Average of Daily Average	Maximum of Daily Maximum
		mg/L	mg/L
003	Total Iron	0.229	0.688
	Total Manganese	0.0216	0.039
	Total Selenium	N/A	0.01
	Total Suspended Solids (TSS)	14.7	39.1
	pH, SU	7.13 SU, minimum	8.98 SU
004	Total Iron	0.184	1.15
	Total Manganese	0.0087	0.028
	Total Selenium	N/A	0.01
	TSS	11.67	29.5
	pH, SU	7.43 SU, minimum	8.74 SU

No effluent limit violations were documented in the monthly effluent reports.

VII. DRAFT EFFLUENT LIMITATIONS

Effluent limitations are established in the draft permit as follows:

Outfall	Pollutant	Daily Average mg/L	Daily Maximum mg/L
001M, 003M, 004M, & 006M-008M,	Flow, MGD	Report, MGD	Report, MGD
	TSS	35	70
	Total Iron	3.0	6.0
	Total Manganese	1.0	3.0
	Total Selenium	N/A	0.036
	pH, SU	6.0 SU, minimum	9.0 SU

Outfall	Pollutant	Daily Average mg/L	Daily Maximum mg/L
015M-020M & 022M	Flow, MGD	Report, MGD	Report, MGD
	TSS	35	70
	Total Iron	3.0	6.0
	Total Manganese	1.0	3.0
	pH, SU	6.0 SU, minimum	9.0 SU
001R, 003R, 004R, 006R-008R, & 015R-020R	Flow, MGD	Report, MGD	Report, MGD
	Settleable Solids, ml/L	N/A	0.5 ml/L
	pH, SU	6.0 SU, minimum	9.0 SU
021	Flow, MGD	Report, MGD	Report, MGD
	TSS	Report	50
	Oil and Grease	15	20
	pH, SU	6.0 SU, minimum	9.0 SU

OUTFALL LOCATIONS

Outfall	Latitude	Longitude
001	28.812921 N	100.439397 W
003	28.805 N	100.454167 W
004	28.814167 N	100.446667 W
006	28.801389 N	100.452778 W
007	28.831389 N	100.431944 W
008	28.798333 N	100.4675 W
015	28.81 N	100.481667 W
016	28.823889 N	100.429722 W
017	28.803611 N	100.428333 W
018	28.800278 N	100.443889 W
019	28.795556 N	100.455278 W
020	28.813611 N	100.435278 W
021	28.819722 N	100.459167 W
022	28.816111 N	100.453889 W

VIII. SUMMARY OF CHANGES FROM APPLICATION

The following changes have been made from the application that make the draft permit more stringent.

A. The effluent limitations for total manganese at Outfalls 001M, 003M, 004M, 006M-008M, 015M-020M, and 022M are more stringent than the limitations in the current permit. The more stringent limitations are based on the effluent limitations specified in 30 TAC §319.22.

B. The minimum analytical level (MAL) for total manganese specified in Other Requirement No. 1 was reduced to be sufficiently sensitive to demonstrate compliance with the more stringent effluent limitations in the draft permit.

IX. SUMMARY OF CHANGES FROM EXISTING PERMIT

A. The permittee requested the following changes that the executive director recommends granting:

1. Outfall 015 coordinates are revised per the applicant's request.

2. Since Pond P003 has been reclaimed, Outfall 014 no longer exists and the flow goes to Pond SP2 which is monitored at Outfall 003.

B. The following additional changes have been made to the draft permit:

1. Pages 3-13 were updated (October 2020 version).
2. Other Requirement Nos. 4 and 10 were updated with new information provided in the application.

X. DRAFT PERMIT RATIONALE

The following section sets forth the statutory and regulatory requirements considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guidelines and water quality standards.

A. REASON FOR PERMIT ISSUANCE

The applicant applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Permit No. WQ0003511000, which authorizes the discharge of stormwater and mine seepage from the active mining areas on an intermittent and flow-variable basis via Outfall 001M, 003M, 004M, 006M-008M, and 015M-020M; stormwater and mine seepage 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.

B. WATER QUALITY SUMMARY

Discharge Routes

The discharge routes are via Outfalls 001M/R, 004M/R, 007M/R, 008M/R, 017M/R, 018M/R, 021, and 022M to unnamed tributaries, thence to Elm Creek; via Outfalls 003M/R, 006M/R, and 019M/R to unnamed ditches, thence to Elm Creek; via Outfall 015M/R to an unnamed ditch, thence to an unnamed tributary, thence to Hediondo Creek, thence to Elm Creek; via Outfalls 016M/R and 020M/R to Elm Creek; and all thence to Rio Grande Below Amistad Reservoir in Segment 2304 of the Rio Grande Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed ditches and the unnamed tributaries associated with Outfalls 001M, 004M, 008M, 017M, 018M, and 021; limited aquatic life use for the unnamed tributaries associated with Outfalls 007M and 015M, and Hediondo Creek; and high aquatic use for Elm Creek. The designated uses for Segment No. 2304 are primary contact recreation, public water

supply, and high aquatic life use. Effluent limitations and conditions established in the draft permit comply with state water quality standards and the applicable water quality management plan. The effluent limits in the draft permit will maintain and protect the existing instream uses. Additional discussion of the water quality aspects of the draft permit can be found at Section X.D. of this fact sheet.

Endangered Species Review
The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS's biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Impaired Water Bodies
Segment No. 2304 is currently listed on the state's inventory of impaired and threatened waters, the 2020 Clean Water Act Section 303(d) list. The listing is specifically for elevated levels of bacteria from a point 0.66 km (0.41 mi) upstream of the confluence of the Arroyo El Lobo (Mexico) in Webb County upstream of the San Idelfonso Creek confluence (AU 2304_01), from the San Idelfonso Creek confluence upstream to International Bridge #2 (AU 2304_02), from the International Bridge #2 upstream to the City of Laredo water treatment plant intake (AU 2304_03), from El Indio upstream to downstream of US Hwy 277 (Eagle Pass) (AU 2304_07), and from the Las Moras Creek confluence upstream to the San Felipe Creek confluence (AU 2304_09). The issuance of this permit will not cause any adverse impact to the receiving water as sanitary waste is disposed in an approved septic system.

Completed Total Maximum Daily Loads (TMDLs)
There are no completed TMDLs for Segment No. 2304.

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. GENERAL COMMENTS

Regulations in Title 40 of the Code of Federal Regulations (40 CFR) require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

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 and mine seepage 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.

Any discharge from this new source is subject to federal effluent limitation guidelines at 40 CFR Part 434, Subparts C, E, and F. A new source determination was performed, and any discharge is a new source as defined at 40 CFR §122.2. Therefore, new source performance standards (NSPS) are required for this discharge.

The wastewater system at this facility consists of stormwater runoff that comes into contact with the developed and other disturbed areas of the surface coal mining and reclamation operations and drains to sedimentation ponds for settling of solids prior to discharge. Seepage of waters into the mine may also accumulate and commingle with stormwater prior to discharge. Sediment (TSS) is the primary pollutant parameter entering the sediment ponds with stormwater during rainfall events. Treated water from the ponds may be used for dust suppression or discharged via Outfalls 001, 003, 004, 006-008, and 015-020.

Once active mining is complete in a specific area, stormwater runoff from post-mining areas (reclamation) may be used for dust suppression or discharge via Outfalls 001, 003, 004, 006-008, and 015-020.

Stormwater from the facilities area and truck wash wastewater is routed to Pond No. RP-1. Water from Pond No. RP-1 can be used for fire suppression, dust suppression, or pumped to Pond No. RP-2. Runoff from the coal pile storage is routed to Pond No. RP-2. Water from Pond RP-2 can be used for dust suppression. Pond No. RP-2 has been designed not to discharge, but if necessary, can be discharged via Outfall No. 021.

Excess mine water and mine pit water with elevated concentrations of naturally occurring boron is pumped to Pond RP-3 for storage and treatment as needed, as specified in the Operating Plan approved as part of the Railroad Commission of Texas permitting process. The purpose of treating mine pit water containing elevated concentrations of boron is to ensure that discharges of the water does not elevate the boron concentrations of irrigation water in Elm Creek. Stormwater runoff from inside the rail loop flows into Pond No. RP-3 and is used for dust suppression. Pond No. RP-3 has been designed not to discharge, but if necessary, during extreme rainfall conditions can be discharged via Outfall No. 022.

The discharge of stormwater runoff from fueling areas, fuel storage areas, vehicle and equipment maintenance areas, truck washing stations, and coal handling and storage areas via Outfall 021 is not subject to federal effluent limitation guidelines. The effluent limitations for oil and grease and total suspended solids (TSS) were included in the draft permit based on the effluent limitations found in similar permits that discharge similar wastewaters.

2. CALCULATIONS

Technology-based effluent limitations for stormwater and mine seepage from the active mining areas on an intermittent and flow-variable basis via Outfall 001M, 003M, 004M, 006M-008M, and 015M-020M; stormwater and mine seepage

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 are continued from the existing permit.

Technology-based effluent limitations for TSS at Outfall 021 are based on the Steam Electric Power-Generating effluent limitation guidelines for coal pile runoff found in 40 CFR §423.15(k). The effluent limitations for oil and grease are based on the limitations given for similar wastewaters at similar facilities. Technology-based effluent limitations proposed in the draft permit are further discussed in Appendix A and compared to water quality-based effluent limitations in Appendix C:

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. GENERAL COMMENTS

The *Texas Surface Water Quality Standards* found at 30 TAC Chapter 307 state that surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life. The methodology outlined in the TCEQ guidance document *Procedures to Implement the Texas Surface Water Quality Standards* (IPs) is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health. Calculated water quality-based effluent limits can be found in Appendix B of this fact sheet.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations or conditions are included. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls. A comparison of technology-based effluent limits and calculated water quality-based effluent limits can be found in Appendix C of this fact sheet.

2. AQUATIC LIFE CRITERIA

a. SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the *Texas Surface Water Quality Standards* (30 TAC Chapter 307).

For all Outfalls except Outfall 021, there is no mixing zone or zone of initial dilution (ZID) for these discharges directly to unnamed ditches and tributaries, intermittent streams; acute freshwater criteria apply at the end of pipe. Chronic freshwater criteria do not apply to these discharges to intermittent streams. The following critical effluent percentage is being used:

Acute Effluent %: 100%

For Outfall 021, there is no mixing zone or zone of initial dilution for this discharge directly to an unnamed tributary, an intermittent stream; acute freshwater criteria apply at the end of pipe. Chronic freshwater criteria are applied in Elm Creek, the perennial freshwater stream.

For the intermittent stream, the percent effluent for acute protection of aquatic life is 100% because the seven-day, two-year low-flow (7Q2) of the intermittent stream is 0.0 cfs. This effluent percentage also provides acute protection of aquatic life in the perennial stream. TCEQ uses the mass balance equation to estimate dilution in the perennial stream during critical conditions. The estimated dilution for chronic protection of aquatic life is calculated using the two-year maximum monthly average flow of 0.5 MGD (assumed Outfall 003 flow as Outfall 021 has not discharged) and the 7Q2 of 0.1 cfs for Elm Creek. The following critical effluent percentages are being used:

Acute Effluent % 100% Chronic Effluent % 88.6%

General Screening Procedures

Wasteload allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the *Texas Surface Water Quality Standards*, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when, after mixing in the receiving stream, the instream numerical criteria will not be exceeded.

From the WLA, a long-term average (LTA) is calculated using a lognormal probability distribution, a given coefficient of variation (0.6), and a 90th percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a selected percentile confidence level.

The LTA is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12).

Assumptions used in deriving the effluent limitations include segment-specific values for TSS, pH, hardness, and chloride according to the *IPs*. The segment values are 5.0 mg/L for TSS, 7.7 SU for pH, 237 mg/L for hardness (as calcium carbonate, $CaCO_3$), and 117 mg/L for chloride. For additional details on the calculation of water quality-based effluent limitations, refer to the *IPs*.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application equals or exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application equals or exceeds 70 percent of the calculated daily average water quality-based effluent limitation.

b. PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility has not discharged in the twelve months prior to the submission of the application. Other Requirement No. 10 has been carried forward from the existing permit to the draft permit to require testing once discharge occurs.

The limits in the existing permit were compared to the calculated water quality-based effluent limits to determine whether the existing limits are still protective. The limits in the existing permit are still protective and carried forward to the draft permit.

3. AQUATIC ORGANISM BIOACCUMULATION CRITERIA

a. SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of fish tissue found in Table 2 of the *Texas Surface Water Quality Standards* (30 TAC Chapter 307).

For all discharge points other than Outfall 021 are from mining ponds. Human health screening is not applicable because of the nature of mining pond discharges.

For Outfall 021, fish tissue bioaccumulation criteria are applied for human health protection in the perennial stream. TCEQ uses the mass balance equation to estimate dilution in the perennial stream during average flow conditions. The estimated dilution for human health protection is calculated using the two-year average monthly average flow of 0.5 MGD (assumed Outfall 003 flow as Outfall 021 has not discharged) and the harmonic mean flow of 0.2 cfs for Elm Creek. The following critical effluent percentage is being used:

Human Health Effluent %: 79.5%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99th percentile confidence level in the long-term average calculation is used, with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70 percent and 85 percent of the calculated daily average water quality-based effluent limitation.

b. PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility has not discharged in the twelve months prior to the submission of the application. Other Requirement No. 10 has been carried forward from the existing permit to the draft permit to require testing once discharge occurs.

4. AQUATIC ORGANISM TOXICITY CRITERIA (7-DAY CHRONIC/48 - HOUR ACUTE)

a. SCREENING

The current TPDES permit does not include 7-day chronic or 48-hour acute biomonitoring requirements at any outfalls. The draft permit does not require 7-day chronic or 48-hour acute biomonitoring at any outfalls.

b. PERMIT ACTION

None.

5. AQUATIC ORGANISM TOXICITY CRITERIA (24-HOUR ACUTE)

a. SCREENING

The current TPDES permit does not require 24-hour acute biomonitoring at any outfalls. The draft permit does not require 24-hour acute biomonitoring at any outfalls.

b. PERMIT ACTION

None.

6. DRINKING WATER SUPPLY PROTECTION

a. SCREENING

Segment No. 2304, which receives the discharge from this facility, is not designated as a public water supply. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable.

b. PERMIT ACTION

None.

7. TOTAL DISSOLVED SOLIDS, CHLORIDE, AND SULFATE STANDARDS PROTECTION

a. SCREENING

No analytical data is available for screening against water quality-based effluent limitations because the facility has not discharged in the twelve months prior to the submission of the application.

b. PERMIT ACTION

Other Requirement No. 10 has been carried forward from the existing permit to the draft permit to require testing once discharge occurs.

8. PROTECTION OF pH STANDARDS

a. SCREENING

The existing permit includes pH limits of 6.0 – 9.0 standard units at all Outfalls, which discharge into unclassified water bodies. Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring a discharge to an unclassified water body to meet pH limits of 6.0 – 9.0 standard units reasonably ensures instream compliance with *Texas Surface Water Quality Standards* pH criteria.

b. PERMIT ACTION

The existing pH limits of 6.0 – 9.0 standard units are carried forward in the draft permit at all Outfalls.

XI. PRETREATMENT REQUIREMENTS

This facility is not defined as a publicly owned treatment works. Pretreatment requirements are not proposed in the draft permit.

XII. VARIANCE REQUESTS

No variance requests have been received.

XIII. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the chief clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the chief clerk instructs the applicant to place a copy of the application in a public place for reviewing and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The chief clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the executive director's preliminary decision, as contained in the technical summary or fact sheet, to the chief clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the executive director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the executive director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The chief clerk then mails the executive director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the executive director's response and decision, they can request a contested case hearing or file a request to reconsider the executive director's decision within 30 days after the notice is mailed.

The executive director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the executive director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the executive director will not issue the permit and will forward the application and request to the TCEQ commissioners for their consideration at a scheduled commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the executive director calls a public meeting or the commission grants a contested case hearing as described above, the commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the commission will consider all public comments in making its decision and shall either adopt the executive director's response to public comments or prepare its own response.

For additional information about this application, contact Thomas E. Starr at (512) 239-4570.

XIV. ADMINISTRATIVE RECORD

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. PERMIT(S)

TPDES Permit No. WQ0003511000 issued on September 20, 2016.

B. APPLICATION

TPDES wastewater permit application received on February 24, 2020.

C. 40 CFR CITATION(S)

40 CFR Part 40 CFR Part 434, Subpart C and E (NSPS).

D. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION

Letter dated April 29, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for thermal evaluation procedures).

Letter dated May 12, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for thermal evaluation procedures).

Letter dated May 28, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for pH evaluation procedures).

Letter dated June 2, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for pH evaluation procedures).

Letter dated December 28, 2015, from L'Oreal Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for procedures to determine reasonable potential for whole effluent toxicity limitations).

Letter dated December 28, 2015, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for procedures to determine reasonable potential for whole effluent toxicity limitations).

TCEQ Interoffice Memorandum dated December 15, 2020, from Jeff Paull of the Standards Implementation Team, Water Quality Assessment Section, to the Industrial Permits Team, Wastewater Permitting Section (Standards Memo).

TCEQ Interoffice Memorandum dated December 28, 2020, from Katie Cunningham of the Water Quality Assessment Team, Water Quality Assessment Section, to the Industrial Permits Team, Wastewater Permitting Section (Critical Conditions Memo).

TCEQ Interoffice Memorandum dated January 4, 2021, from Katie Cunningham of the Water Quality Assessment Team, Water Quality Assessment Section, to the Industrial Permits Team, Wastewater Permitting Section (Modeling Memo).

E. MISCELLANEOUS

The *State of Texas 2014 Integrated Report* – Texas 303(d) List (Category 5), TCEQ, November 19, 2015.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 1, 2018, as approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 6, 2014, as approved by EPA Region 6, for portions of the 2018 standards not approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 standards not yet approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 standards not yet approved by EPA Region 6.

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, June 2010, as approved by EPA Region 6.

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, January 2003, for portions of the 2010 IPs not approved by EPA Region 6.

Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.

Appendix A
Calculated Technology-Based Effluent Limits

Of the proposed activities, 40 CFR Parts 434, Subpart C (Acid or Ferruginous mine drainage), Subpart E (post mining) and Subpart F (miscellaneous) apply. 40 CFR §434.11(j)(1) defines a "new source coal mine" as a coal mine where construction commenced after May 4, 1984. As a result, the facility is considered a new source.

40 CFR Part 434, Subpart C – Acid or Ferruginous Mine Drainage, Outfalls 001M, 003M, 004M, 006M-008M, 015M-020M, and 022M

40 CFR §434.30 declares that this subpart applies to acid or ferruginous mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite. Per 40 CFR § 434.35, new source performance standards (NSPS), except as provided in 40 CFR § 401.17 and §§434.61, 434.62, and 434.63 of this part, the following new source performance standards shall be achieved for any discharge from a new source subject to this subpart:

NSPS Standards, 40 CFR §434.35

Parameter	Daily Average mg/L	Daily Maximum mg/L
Total Iron	3.0	6.0
Total Manganese	2.0	4.0
Total Suspended Solids	35.0	70.0
pH, standard units (SU)	6.0-9.0 SU	

With the exception of the limits for total manganese, the limits above have been continued from the exiting permit.

40 CFR Part 434, Subpart E - Post Mining Areas, Outfalls 001R, 003R, 004R, 006R-008R, and 015R-020R

40 CFR §434.50 declares the provisions of this subpart are applicable to discharges from post-mining areas, except as provided in Subpart H -Western Alkaline Coal Mining of this part. Per 40 CFR §434.55(a), the following new source performance standards shall apply to the post-mining reclamation areas of all new source coal mines until SMCRA bond release.

NSPS Standards, 40 CFR §434.55(a)

Parameter	Maximum
Settleable Solids	0.5 mL/L
pH	6.0-9.0 SU

These limits have been continued from the exiting permit.

40 CFR Part 434, Subpart F - Miscellaneous Provisions

Per 40 CFR §434.63(c)(1), the following precipitation event limitations apply to surface acid or ferruginous mine drainage:

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations:

40 CFR §434.63(c)(1)

Parameter	Maximum
Total Iron	7.0 mg/L
Settleable Solids	0.5 mL/L
pH	6.0-9.0 SU

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations:

40 CFR §434.63(c)(2)

Parameter	Maximum
Settleable Solids	0.5 mL/L
pH	6.0-9.0 SU

Per 40 CFR §434.63(d)(1), the following precipitation event limitations apply to surface acid or ferruginous mine drainage and discharges from reclamation areas (i.e., post mining areas):

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations:

40 CFR §434.63(d)(2)

Parameter	Maximum
pH	6.0-9.0 SU

Per 40 CFR §434.63(e), the operator has the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described above.

30 TAC §319.22

Parameter	Daily Average mg/L	Daily Maximum mg/L
Total Manganese	1.0	3.0

These limits supersede and replace the effluent limitations in the exiting permit.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

Appendix B
Calculated Water Quality-Based Effluent Limits

TEXTOX MENU #1 - INTERMITTENT STREAM

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June

PERMIT INFORMATION

Permittee Name:	Dos Republicas Coal Partnership
TPDES Permit No:	WQ0003511000
Outfall No:	001M, 003M, 004M, 006M-008M, 015M-020M, & 022M
Prepared By:	Thomas Starr
Date:	1/19/2021

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	Unnamed tributaries, ditches, and Hediondo and Elm Creeks
Segment No:	2304
TSS (mg/L):	5
pH (Standard Units):	7.7
Hardness (mg/L as $CaCO_3$):	237
Chloride (mg/L):	117
Effluent Flow for Aquatic Life (MGD):	0.5
Critical Low Flow [7Q2] (cfs):	0
% Effluent for Acute Aquatic Life:	100

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	147826.36	0.575		1.00	Assumed
Cadmium	6.60	-1.13	645897.93	0.236		1.00	Assumed
Chromium (total)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	318245.45	0.386		1.00	Assumed
Lead	6.45	-0.80	777721.31	0.205		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	195698.32	0.505		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	457152.29	0.304		1.00	Assumed
Zinc	6.10	-0.70	408057.15	0.329		1.00	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*WLAa (µg/L)*	*LTAa (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	3.00	1.72	2.52	5.34
Aluminum	991	991	568	834	1765
Arsenic	340	591	339	498	1053
Cadmium	19.84413	83.9	48.1	70.6	149
Carbaryl	2.0	2.00	1.15	1.68	3.56
Chlordane	2.4	2.40	1.38	2.02	4.27
Chlorpyrifos	0.083	0.0830	0.0476	0.0699	0.147
Chromium (trivalent)	1155.084	5436	3115	4578	9687
Chromium (hexavalent)	15.7	15.7	9.00	13.2	27.9
Copper	32.02075	83.0	47.5	69.8	147

Parameter	FW Acute Criterion (µg/L)	WLAa (µg/L)	LTAa (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Cyanide (free)	45.8	45.8	26.2	38.5	81.6
4,4'-DDT	1.1	1.10	0.630	0.926	1.96
Demeton	N/A	N/A	N/A	N/A	N/A
Diazinon	0.17	0.170	0.0974	0.143	0.302
Dicofol [Kelthane]	59.3	59.3	34.0	49.9	105
Dieldrin	0.24	0.240	0.138	0.202	0.427
Diuron	210	210	120	176	374
Endosulfan I (*alpha*)	0.22	0.220	0.126	0.185	0.392
Endosulfan II (*beta*)	0.22	0.220	0.126	0.185	0.392
Endosulfan sulfate	0.22	0.220	0.126	0.185	0.392
Endrin	0.086	0.0860	0.0493	0.0724	0.153
Guthion [Azinphos Methyl]	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.52	0.520	0.298	0.438	0.926
Hexachlorocyclohexane (*gamma*) [Lind	1.126	1.13	0.645	0.948	2.00
Lead	162.9226	796	456	670	1419
Malathion	N/A	N/A	N/A	N/A	N/A
Mercury	2.4	2.40	1.38	2.02	4.27
Methoxychlor	N/A	N/A	N/A	N/A	N/A
Mirex	N/A	N/A	N/A	N/A	N/A
Nickel	971.6318	1922	1102	1619	3425
Nonylphenol	28	28.0	16.0	23.5	49.8
Parathion (ethyl)	0.065	0.0650	0.0372	0.0547	0.115
Pentachlorophenol	17.6282	17.6	10.1	14.8	31.4
Phenanthrene	30	30.0	17.2	25.2	53.4
Polychlorinated Biphenyls [PCBs]	2.0	2.00	1.15	1.68	3.56
Selenium	20	20.0	11.5	16.8	35.6
Silver	0.8	25.1	14.4	21.1	44.6
Toxaphene	0.78	0.780	0.447	0.657	1.38
Tributyltin [TBT]	0.13	0.130	0.0745	0.109	0.231
2,4,5 Trichlorophenol	136	136	77.9	114	242
Zinc	243.433	740	424	623	1318

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS:

Aquatic Life Parameter	70% of Daily Avg. (µg/L)	85% of Daily Avg. (µg/L)
Aldrin	1.76	2.14
Aluminum	584	709
Arsenic	348	423
Cadmium	49.4	60.0
Carbaryl	1.17	1.43
Chlordane	1.41	1.71
Chlorpyrifos	0.0489	0.0594
Chromium (trivalent)	3205	3892
Chromium (hexavalent)	9.25	11.2
Copper	48.9	59.4
Cyanide (free)	27.0	32.7
4,4'-DDT	0.648	0.787
Demeton	N/A	N/A
Diazinon	0.100	0.121
Dicofol [Kelthane]	34.9	42.4
Dieldrin	0.141	0.171
Diuron	123	150
Endosulfan I (*alpha*)	0.129	0.157
Endosulfan II (*beta*)	0.129	0.157
Endosulfan sulfate	0.129	0.157
Endrin	0.0507	0.0615

Parameter	*(µg/L)*	*(µg/L)*
Guthion [Azinphos Methyl]	N/A	N/A
Heptachlor	0.306	0.372
Hexachlorocyclohexane (*gamma*) [Lind	0.663	0.806
Lead	469	570
Malathion	N/A	N/A
Mercury	1.41	1.71
Methoxychlor	N/A	N/A
Mirex	N/A	N/A
Nickel	1133	1376
Nonylphenol	16.5	20.0
Parathion (ethyl)	0.0383	0.0465
Pentachlorophenol	10.3	12.6
Phenanthrene	17.6	21.4
Polychlorinated Biphenyls [PCBs]	1.17	1.43
Selenium	11.7	14.3
Silver	14.7	17.9
Toxaphene	0.459	0.558
Tributyltin [TBT]	0.0766	0.0930
2,4,5 Trichlorophenol	80.1	97.3
Zinc	436	529

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

TEXTOX MENU #2 - INTERMITTENT STREAM WITHIN 3 MILES OF A FRESHWATER PERENNIAL

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Dos Republicas Coal Partnership
TPDES Permit No.:	WQ0003511000
Outfall No.:	021
Prepared by:	Thomas Starr
Date:	1/19/2021

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	an unnamed tributary
Perennial Stream/River within 3 Miles:	Elm Creek
Segment No.:	2304
TSS (mg/L):	5
pH (Standard Units):	7.7
Hardness (mg/L as $CaCO_3$):	237
Chloride (mg/L):	117
Effluent Flow for Aquatic Life (MGD):	0.5
Critical Low Flow [7Q2] (cfs) for intermittent:	0
Critical Low Flow [7Q2] (cfs) for perennial:	0.1
% Effluent for Chronic Aquatic Life (Mixing Zone):	88.55
% Effluent for Acute Aquatic Life (ZID):	100
Effluent Flow for Human Health (MGD):	0.5
Harmonic Mean Flow (cfs) for perennial:	0.2
% Effluent for Human Health:	79.458
Human Health Criterion (select: PWS, FISH, or INC)	FISH

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	147826.36	0.575		1.00	Assumed
Cadmium	6.60	-1.13	645897.93	0.236		1.00	Assumed
Chromium (total)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	318245.45	0.386		1.00	Assumed
Lead	6.45	-0.80	777721.31	0.205		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	195698.32	0.505		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	457152.29	0.304		1.00	Assumed
Zinc	6.10	-0.70	408057.15	0.329		1.00	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	FW Acute Criterion (µg/L)	FW Chronic Criterion	WLAa (µg/L)	WLAc (µg/L)	LTAa (µg/L)	LTAc (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Aldrin	3.0	N/A	3.00	N/A	1.72	N/A	2.52	5.34
Aluminum	991	N/A	991	N/A	568	N/A	834	1765
Arsenic	340	150	591	295	339	227	333	705
Cadmium	19.8	0.448	83.9	2.14	48.1	1.65	2.42	5.12
Carbaryl	2.0	N/A	2.00	N/A	1.15	N/A	1.68	3.56
Chlordane	2.4	0.004	2.40	0.00452	1.38	0.00348	0.00511	0.0108
Chlorpyrifos	0.083	0.041	0.0830	0.0463	0.0476	0.0357	0.0524	0.110
Chromium (trivalent)	1155	150	5436	799	3115	615	903	1912
Chromium (hexavalent)	15.7	10.6	15.7	12.0	9.00	9.22	13.2	27.9
Copper	32.0	19.8	83.0	57.9	47.5	44.6	65.5	138
Cyanide (free)	45.8	10.7	45.8	12.1	26.2	9.30	13.6	28.9
4,4'-DDT	1.1	0.001	1.10	0.00113	0.630	0.000870	0.00127	0.00270
Demeton	N/A	0.1	N/A	0.113	N/A	0.0870	0.127	0.270
Diazinon	0.17	0.17	0.170	0.192	0.0974	0.148	0.143	0.302
Dicofol [Kelthane]	59.3	19.8	59.3	22.4	34.0	17.2	25.3	53.5
Dieldrin	0.24	0.002	0.240	0.00226	0.138	0.00174	0.00255	0.00540
Diuron	210	70	210	79.0	120	60.9	89.4	189
Endosulfan I (*alpha*)	0.22	0.056	0.220	0.0632	0.126	0.0487	0.0715	0.151
Endosulfan II (*beta*)	0.22	0.056	0.220	0.0632	0.126	0.0487	0.0715	0.151
Endosulfan sulfate	0.22	0.056	0.220	0.0632	0.126	0.0487	0.0715	0.151
Endrin	0.086	0.002	0.0860	0.00226	0.0493	0.00174	0.00255	0.00540
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.0113	N/A	0.00870	0.0127	0.0270
Heptachlor	0.52	0.004	0.520	0.00452	0.298	0.00348	0.00511	0.0108
Hexachlorocyclohexane (*gamma*) [Lindane]	1.126	0.08	1.13	0.0903	0.645	0.0696	0.102	0.216
Lead	163	6.35	796	35.0	456	27.0	39.6	83.9
Malathion	N/A	0.01	N/A	0.0113	N/A	0.00870	0.0127	0.0270
Mercury	2.4	1.3	2.40	1.47	1.38	1.13	1.66	3.51
Methoxychlor	N/A	0.03	N/A	0.0339	N/A	0.0261	0.0383	0.0811
Mirex	N/A	0.001	N/A	0.00113	N/A	0.000870	0.00127	0.00270
Nickel	972	107.9	1922	241	1102	186	272	577
Nonylphenol	28	6.6	28.0	7.45	16.0	5.74	8.43	17.8
Parathion (ethyl)	0.065	0.013	0.0650	0.0147	0.0372	0.0113	0.0166	0.0351
Pentachlorophenol	17.6	13.5	17.6	15.3	10.1	11.8	14.8	31.4
Phenanthrene	30	30	30.0	33.9	17.2	26.1	25.2	53.4
Polychlorinated Biphenyls [PCBs]	2.0	0.014	2.00	0.0158	1.15	0.0122	0.0178	0.0378
Selenium	20	5	20.0	5.65	11.5	4.35	6.39	13.5
Silver	0.8	N/A	25.1	N/A	14.4	N/A	21.1	44.6
Toxaphene	0.78	0.0002	0.780	0.000226	0.447	0.000174	0.000255	0.000540
Tributyltin [TBT]	0.13	0.024	0.130	0.0271	0.0745	0.0209	0.0306	0.0649
2,4,5 Trichlorophenol	136	64	136	72.3	77.9	55.7	81.8	173
Zinc	243	245	740	843	424	649	623	1318

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	Water and Fish Criterion	Fish Only Criterion (µg/L)	Incidental Fish Criterion	WLAh (µg/L)	LTAh (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Acrylonitrile	1.0	115	1150	145	135	197	418
Aldrin	1.146E-05	1.147E-05	1.147E-04	0.0000144	0.0000134	0.0000197	0.0000417
Anthracene	1109	1317	13170	1657	1541	2265	4793
Antimony	6	1071	10710	1348	1254	1842	3898
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	731	680	999	2114
Benzidine	0.0015	0.107	1.07	0.135	0.125	0.184	0.389
Benzo(*a*)anthracene	0.024	0.025	0.25	0.0315	0.0293	0.0430	0.0910
Benzo(*a*)pyrene	0.0025	0.0025	0.025	0.00315	0.00293	0.00430	0.00910
Bis(chloromethyl)ether	0.0024	0.2745	2.745	0.345	0.321	0.472	0.999
Bis(2-chloroethyl)ether	0.60	42.83	428.3	53.9	50.1	73.6	155
Bis(2-ethylhexyl) phthalate (Di(2-ethylhexyl) phtha	6	7.55	75.5	9.50	8.84	12.9	27.4
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	346	322	473	1001
Bromoform [Tribromomethane]	66.9	1060	10600	1334	1241	1823	3858
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	57.9	53.8	79.1	167
Chlordane	0.0025	0.0025	0.025	0.00315	0.00293	0.00430	0.00910
Chlorobenzene	100	2737	27370	3445	3203	4709	9962
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	230	214	314	666
Chloroform [Trichloromethane]	70	7697	76970	9687	9009	13242	28017
Chromium (hexavalent)	62	502	5020	632	588	863	1827
Chrysene	2.45	2.52	25.2	3.17	2.95	4.33	9.17
Cresols [Methylphenols]	1041	9301	93010	11706	10886	16002	33856
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.00252	0.00234	0.00344	0.00728
4,4'-DDE	0.00013	0.00013	0.0013	0.000164	0.000152	0.000223	0.000473
4,4'-DDT	0.0004	0.0004	0.004	0.000503	0.000468	0.000688	0.00145
2,4'-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	262	473	4730	595	554	813	1721
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	5.34	4.96	7.29	15.4
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	749	696	1023	2165
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	4152	3861	5676	12008
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	2.82	2.62	3.85	8.15
1,2-Dichloroethane	5	364	3640	458	426	626	1324
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	69363	64507	94825	200617
Dichloromethane [Methylene Chloride]	5	13333	133330	16780	15605	22939	48532
1,2-Dichloropropane	5	259	2590	326	303	445	942
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	150	139	204	433
Dicofol [Kelthane]	0.30	0.30	3	0.378	0.351	0.516	1.09
Dieldrin	2.0E-05	2.0E-05	2.0E-04	0.0000252	0.0000234	0.0000344	0.0000728
2,4-Dimethylphenol	444	8436	84360	10617	9874	14514	30707
Di-*n*-Butyl Phthalate	88.9	92.4	924	116	108	158	336
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	1.00E-07	9.33E-08	1.37E-07	2.90E-07
Endrin	0.02	0.02	0.2	0.0252	0.0234	0.0344	0.0728
Epichlorohydrin	53.5	2013	20130	2533	2356	3463	7327
Ethylbenzene	700	1867	18670	2350	2185	3212	6795
Ethylene Glycol	46744	1.68E+07	1.68E+08	21143270	19663241	28904964	61152680
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.000126	0.000117	0.000172	0.000364
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.000365	0.000339	0.000498	0.00105
Hexachlorobenzene	0.00068	0.00068	0.0068	0.000856	0.000796	0.00116	0.00247
Hexachlorobutadiene	0.21	0.22	2.2	0.277	0.257	0.378	0.800

Parameter	Water and Fish Criterion	Fish Only Criterion (µg/L)	Incidental Fish Criterion	WLAh (µg/L)	LTAh (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)	
Hexachlorocyclohexane (*alpha*)	0.0078	0.0084	0.084	0.0106	0.00983	0.0144	0.0305	
Hexachlorocyclohexane (*beta*)	0.15	0.26	2.6	0.327	0.304	0.447	0.946	
Hexachlorocyclohexane (*gamma*) [Lindane]	0.2	0.341	3.41	0.429	0.399	0.586	1.24	
Hexachlorocyclopentadiene	10.7	11.6	116	14.6	13.6	19.9	42.2	
Hexachloroethane	1.84	2.33	23.3	2.93	2.73	4.00	8.48	
Hexachlorophene	2.05	2.90	29	3.65	3.39	4.98	10.5	
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	20114	18706	27497	58175	
Lead	1.15	3.83	38.3	23.6	21.9	32.2	68.1	
Mercury	0.0122	0.0122	0.122	0.0154	0.0143	0.0209	0.0444	
Methoxychlor	2.92	3.0	30	3.78	3.51	5.16	10.9	
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	1248460	1161068	1706769	3610920	
Methyl *tert*-butyl ether [MTBE]	15	10482	104820	13192	12268	18034	38154	
Nickel	332	1140	11400	2839	2640	3880	8210	
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A	
Nitrobenzene	45.7	1873	18730	2357	2192	3222	6817	
N-Nitrosodiethylamine	0.0037	2.1	21	2.64	2.46	3.61	7.64	
N-Nitroso-di-*n*-Butylamine	0.119	4.2	42	5.29	4.92	7.22	15.2	
Pentachlorobenzene	0.348	0.355	3.55	0.447	0.416	0.610	1.29	
Pentachlorophenol	0.22	0.29	2.9	0.365	0.339	0.498	1.05	
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.000805	0.000749	0.00110	0.00232	
Pyridine	23	947	9470	1192	1108	1629	3447	
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A	
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	0.302	0.281	0.412	0.873	
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	33.2	30.8	45.3	95.9	
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	352	328	481	1019	
Thallium	0.12	0.23	2.3	0.289	0.269	0.395	0.837	
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A	
Toxaphene	0.011	0.011	0.11	0.0138	0.0129	0.0189	0.0400	
2,4,5-TP [Silvex]	50	369	3690	464	432	634	1343	
1,1,1-Trichloroethane	200	784354	7843540	987131	918032	1349507	2855080	
1,1,2-Trichloroethane	5	166	1660	209	194	285	604	
Trichloroethylene [Trichloroethene]	5	71.9	719	90.5	84.2	123	261	
2,4,5-Trichlorophenol	1039	1867	18670	2350	2185	3212	6795	
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A	
Vinyl Chloride	0.23	16.5	165	20.8	19.3	28.3	60.0	

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS:

Aquatic Life Parameter	70% of Daily Avg. (µg/L)	85% of Daily Avg. (µg/L)
Aldrin	1.76	2.14
Aluminum	584	709
Arsenic	233	283
Cadmium	1.69	2.05
Carbaryl	1.17	1.43
Chlordane	0.00357	0.00434
Chlorpyrifos	0.0366	0.0445
Chromium (trivalent)	632	768
Chromium (hexavalent)	9.25	11.2
Copper	45.8	55.7
Cyanide (free)	9.57	11.6
4,4'-DDT	0.000894	0.00108
Demeton	0.0894	0.108
Diazinon	0.100	0.121

Parameter	*(µg/L)*	*(µg/L)*
Dicofol [Kelthane]	17.7	21.5
Dieldrin	0.00178	0.00217
Diuron	62.6	76.0
Endosulfan I (*alpha*)	0.0501	0.0608
Endosulfan II (*beta*)	0.0501	0.0608
Endosulfan sulfate	0.0501	0.0608
Endrin	0.00178	0.00217
Guthion [Azinphos Methyl]	0.00894	0.0108
Heptachlor	0.00357	0.00434
Hexachlorocyclohexane (*gamma*) [Lindane]	0.0715	0.0869
Lead	27.7	33.7
Malathion	0.00894	0.0108
Mercury	1.16	1.41
Methoxychlor	0.0268	0.0325
Mirex	0.000894	0.00108
Nickel	191	231
Nonylphenol	5.90	7.17
Parathion (ethyl)	0.0116	0.0141
Pentachlorophenol	10.3	12.6
Phenanthrene	17.6	21.4
Polychlorinated Biphenyls [PCBs]	0.0125	0.0152
Selenium	4.47	5.43
Silver	14.7	17.9
Toxaphene	0.000178	0.000217
Tributyltin [TBT]	0.0214	0.0260
2,4,5 Trichlorophenol	57.2	69.5
Zinc	436	529

Human Health *Parameter*	*70% of Daily Avg. (µg/L)*	*85% of Daily Avg. (µg/L)*
Acrylonitrile	138	168
Aldrin	0.0000138	0.0000167
Anthracene	1586	1926
Antimony	1289	1566
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	699	849
Benzidine	0.128	0.156
Benzo(*a*)anthracene	0.0301	0.0365
Benzo(*a*)pyrene	0.00301	0.00365
Bis(chloromethyl)ether	0.330	0.401
Bis(2-chloroethyl)ether	51.5	62.6
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phtha	9.09	11.0
Bromodichloromethane [Dichlorobromomethane]	331	402
Bromoform [Tribromomethane]	1276	1550
Cadmium	N/A	N/A
Carbon Tetrachloride	55.4	67.2
Chlordane	0.00301	0.00365
Chlorobenzene	3296	4002
Chlorodibromomethane [Dibromochloromethane	220	267
Chloroform [Trichloromethane]	9270	11256
Chromium (hexavalent)	604	734
Chrysene	3.03	3.68
Cresols [Methylphenols]	11201	13602
Cyanide (free)	N/A	N/A
4,4'-DDD	0.00240	0.00292

Parameter	*(µg/L)*	*(µg/L)*
4,4'-DDE	0.000156	0.000190
4,4'-DDT	0.000481	0.000584
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	569	691
1,2-Dibromoethane [Ethylene Dibromide]	5.10	6.20
m -Dichlorobenzene [1,3-Dichlorobenzene]	716	870
o -Dichlorobenzene [1,2-Dichlorobenzene]	3973	4824
p -Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	2.69	3.27
1,2-Dichloroethane	438	532
1,1-Dichloroethylene [1,1-Dichloroethene]	66377	80601
Dichloromethane [Methylene Chloride]	16057	19498
1,2-Dichloropropane	311	378
1,3-Dichloropropene [1,3-Dichloropropylene]	143	174
Dicofol [Kelthane]	0.361	0.438
Dieldrin	0.0000240	0.0000292
2,4-Dimethylphenol	10160	12337
Di-*n* -Butyl Phthalate	111	135
Dioxins/Furans [TCDD Equivalents]	9.59E-08	1.16E-07
Endrin	0.0240	0.0292
Epichlorohydrin	2424	2943
Ethylbenzene	2248	2730
Ethylene Glycol	20233475	24569220
Fluoride	N/A	N/A
Heptachlor	0.000120	0.000146
Heptachlor Epoxide	0.000349	0.000424
Hexachlorobenzene	0.000818	0.000994
Hexachlorobutadiene	0.264	0.321
Hexachlorocyclohexane (*alpha*)	0.0101	0.0122
Hexachlorocyclohexane (*beta*)	0.313	0.380
Hexachlorocyclohexane (*gamma*) [Lindane]	0.410	0.498
Hexachlorocyclopentadiene	13.9	16.9
Hexachloroethane	2.80	3.40
Hexachlorophene	3.49	4.24
4,4'-Isopropylidenediphenol [Bisphenol A]	19248	23372
Lead	22.5	27.3
Mercury	0.0146	0.0178
Methoxychlor	3.61	4.38
Methyl Ethyl Ketone	1194738	1450753
Methyl *tert* -butyl ether [MTBE]	12624	15329
Nickel	2716	3298

Parameter	*(µg/L)*	*(µg/L)*	
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A	
Nitrobenzene	2255	2739	
N-Nitrosodiethylamine	2.52	3.07	
N-Nitroso-di-*n*-Butylamine	5.05	6.14	
Pentachlorobenzene	0.427	0.519	
Pentachlorophenol	0.349	0.424	
Polychlorinated Biphenyls [PCBs]	0.000770	0.000935	
Pyridine	1140	1384	
Selenium	N/A	N/A	
1,2,4,5-Tetrachlorobenzene	0.289	0.350	
1,1,2,2-Tetrachloroethane	31.7	38.5	
Tetrachloroethylene [Tetrachloroethylene]	337	409	
Thallium	0.277	0.336	
Toluene	N/A	N/A	
Toxaphene	0.0132	0.0160	
2,4,5-TP [Silvex]	444	539	
1,1,1-Trichloroethane	944655	1147081	
1,1,2-Trichloroethane	199	242	
Trichloroethylene [Trichloroethene]	86.5	105	
2,4,5-Trichlorophenol	2248	2730	
TTHM [Sum of Total Trihalomethanes]	N/A	N/A	
Vinyl Chloride	19.8	24.1	

Appendix C
Comparison of Technology-Based Effluent Limits and Water Quality-Based Effluent Limits

The following table is a summary of technology-based effluent limitations calculated/assessed in the draft permit (Technology-Based), calculated/ assessed water quality-based effluent limitations (Water Quality-Based), and effluent limitations in the existing permit (Existing Permit). Effluent limitations appearing in bold are the most stringent of the three and are included in the draft permit.

Outfall	Pollutant	Technology-Based		Water Quality-Based [1]		Existing Permit	
		Daily Avg	Daily Max	Daily Avg	Daily Max	Daily Avg	Daily Max
		mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
001M, 003M, 004M, & 006M-008M	Flow, MGD	Report, MGD	Report, MGD	-	-	**Report, MGD**	**Report, MGD**
	TSS	35	70	-	-	**35**	**70**
	Total Iron	3.0	6.0	-	-	**3.0**	**6.0**
	Total Manganese	2.0	4.0	**1.0** [2]	**3.0** [2]	2.0	4.0
	Total Selenium	-	-	-	0.036	**N/A**	**0.036**
	pH, SU	6.0 SU, minimum	9.0 SU	-	-	**6.0 SU, minimum**	**9.0 SU**
015M-020M & 022M	Flow, MGD	Report, MGD	Report, MGD	-	-	**Report, MGD**	**Report, MGD**
	TSS	35	70	-	-	**35**	**70**
	Total Iron	3.0	6.0	-	-	**3.0**	**6.0**
	Total Manganese	2.0	4.0	**1.0** [2]	**3.0** [2]	2.0	4.0
	pH, SU	6.0 SU, minimum	9.0 SU	-	-	**6.0 SU, minimum**	**9.0 SU**
001R, 003R, 004R, 006R-008R, & 015R-020R	Flow, MGD	Report, MGD	Report, MGD	-	-	**Report, MGD**	**Report, MGD**
	Settleable Solids, ml/L	N/A	0.5 ml/L	-	-	**N/A**	**0.5 ml/L**
	pH, SU	6.0 SU, minimum	9.0 SU	-	-	**6.0 SU, minimum**	**9.0 SU**
021	Flow, MGD	Report, MGD	Report, MGD	-	-	**Report, MGD**	**Report, MGD**
	TSS	Report	50	-	-	**Report**	**50**
	Oil and Grease	15	20	-	-	**15**	**20**
	pH, SU	6.0 SU, minimum	9.0 SU	-	-	**6.0 SU, minimum**	**9.0 SU**

1 Water Quality-Based or other agency (TCEQ) rule as specified.
2 30 TAC §319.22.

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Compliance History Report

Compliance History Report for CN600787782, RN101529493, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600787782, Dos Republicas Coal Partnership **Classification:** SATISFACTORY **Rating:** 1.04

Regulated Entity: RN101529493, EAGLE PASS MINE **Classification:** HIGH **Rating:** 0.00

Complexity Points: 22 **Repeat Violator:** NO

CH Group: 04 - Mining

Location: 607 COUNTY RD 305 EAGLE PASS TX 78852
LOCATED ON THE NE SIDE OF SH 1588 3 M NE OF US 277 MAVERICK, TX, MAVERICK COUNTY

TCEQ Region: REGION 16 - LAREDO

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 141495

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 87546

STORMWATER PERMIT TXR15004K

WASTEWATER PERMIT WQ0003511000

WASTEWATER EPA ID TX0109011

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 96697

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: December 22, 2022

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2017 to August 31, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kathy Humphreys **Phone:** (512) 239-1000

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 18, 2017	(1451668)
Item 2	October 10, 2017	(1457552)
Item 3	November 14, 2017	(1462986)
Item 4	December 20, 2017	(1469418)
Item 5	January 09, 2018	(1476117)
Item 6	January 17, 2018	(1459014)
Item 7	February 07, 2018	(1488287)
Item 8	March 19, 2018	(1491955)
Item 9	April 06, 2018	(1478920)

Item 10	April 16, 2018	(1495247)
Item 11	May 08, 2018	(1502170)
Item 12	June 12, 2018	(1509290)
Item 13	July 06, 2018	(1515597)
Item 14	August 20, 2018	(1521646)
Item 16	September 20, 2018	(1528835)
Item 17	October 17, 2018	(1535156)
Item 18	November 16, 2018	(1543013)
Item 19	December 11, 2018	(1546751)
Item 20	January 18, 2019	(1564369)
Item 21	February 20, 2019	(1564367)
Item 22	February 27, 2019	(1549777)
Item 23	March 20, 2019	(1564368)
Item 24	April 16, 2019	(1573388)
Item 25	May 28, 2019	(1586374)
Item 26	June 04, 2019	(1586373)
Item 27	July 19, 2019	(1594730)
Item 28	August 20, 2019	(1601031)
Item 29	September 16, 2019	(1607946)
Item 30	October 16, 2019	(1614813)
Item 31	November 14, 2019	(1620602)
Item 32	November 18, 2019	(1592734)
Item 33	December 11, 2019	(1627950)
Item 34	January 15, 2020	(1635578)
Item 35	February 14, 2020	(1642194)
Item 36	March 16, 2020	(1648706)
Item 37	April 14, 2020	(1655060)
Item 38	April 23, 2020	(1632827)
Item 39	May 20, 2020	(1661620)
Item 40	June 15, 2020	(1668156)
Item 41	July 08, 2020	(1675103)
Item 42	August 18, 2020	(1681870)
Item 43	September 09, 2020	(1688447)
Item 44	October 19, 2020	(1694808)
Item 45	November 30, 2020	(1717008)
Item 46	January 20, 2021	(1717010)
Item 47	February 11, 2021	(1730089)
Item 48	March 19, 2021	(1730090)
Item 49	April 19, 2021	(1730091)
Item 50	May 17, 2021	(1742332)
Item 51	June 16, 2021	(1742333)
Item 52	July 19, 2021	(1753208)
Item 53	August 06, 2021	(1747428)
Item 54	August 20, 2021	(1758611)
Item 55	September 16, 2021	(1767908)
Item 56	October 19, 2021	(1778470)
Item 57	November 18, 2021	(1785139)
Item 58	December 10, 2021	(1792172)
Item 59	January 20, 2022	(1800021)
Item 60	February 14, 2022	(1807853)
Item 61	March 16, 2022	(1814896)
Item 62	April 20, 2022	(1821465)
Item 63	May 13, 2022	(1830362)
Item 64	May 31, 2022	(1810263)
Item 65	June 16, 2022	(1836612)
Item 66	July 25, 2022	(1843797)
Item 67	August 12, 2022	(1849958)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A