

SAN MIGUEL ELECTRIC COOPERATIVE, INC.

April 9, 2024

Via Certified Mail No.: 7021 2720 0002 5146 2506

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
Attn: SOAH Docket Clerk  
P.O. Box 13087  
Austin, TX 78711-3087

**RE: Proof of Publication for Notice of Hearing**  
**TCEQ Docket Number: 2024-0027-IWD**  
**Applicant Name: San Miguel Electric Cooperative, Inc. (CN600132278)**  
**Permit No.: WQ0002043000 (EPA I.D. No. TX0083445)**  
**Site Name: San Miguel Lignite Mine (RN100226539)**  
**Type of Application: Major Amendment and Renewal**

Dear SOAH Docket Clerk:

Enclosed is a completed, original Publisher's Affidavit and tear sheet from the publication of the Notice of Hearing for the above referenced major amendment and renewal to the water quality permit for the San Miguel Lignite Mine. A PDF copy of the proof of publication has also been submitted electronically to efilings.

If you have questions, please contact me at 830.784.3411, ext. 203.

Thank you,

Nellie Frisbee  
Permit Specialist

Enclosures

Via Email:

Ali Abazari, Jackson Walker LLP  
James Miertschin, James Miertschin & Assoc., Inc.  
Lisa Kost, Jackson Walker LLP  
Dave Burris, SMECI

TCEQ - Office of the Chief Clerk  
MC-105 Attn: SOAH Docket Clerk  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: San Miguel Electric Cooperative, Inc.

TCEQ Docket Number: 2024-0027-IWD

Notice of Hearing

### AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

§

COUNTY OF:

Atascosa

§

Before me, the undersigned authority, on this day personally appeared

Noel Wilkerson Holmes

(name of newspaper representative)

, who being by me duly

sworn, deposes and says that (s)he is the

Publisher

(title of newspaper representative)

of the

Pleasanton Express

(name of newspaper)

; that said newspaper is

regularly published or generally circulated in

Atascosa and McMullen

(county/counties)

County/Counties, Texas; that the attached notice was published in said newspaper on the

following date(s):

April 3, 2024

(date(s))

Newspaper Representative's Signature

Subscribed and sworn to before me this the

8

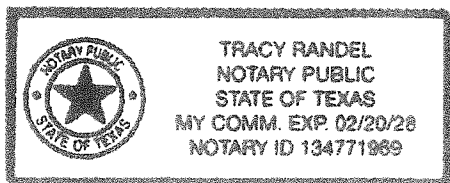
day of

April

20 24

, to certify which witness my hand and seal of office.

(Seal)



Tracy Randel

Notary Public in and for the State of Texas

Tracy Randel

Print or type Name of Notary Public

My Commission Expires

2/20/28

**NOTICE OF HEARING**  
**San Miguel Electric Cooperative, Inc.**  
**SOAH Docket No. 582-24-14120**  
**TCEQ Docket No. 2024-0027-IWD**  
**TPDES Permit No. WQ0002043000**

**APPLICATION.**

San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, which operates San Miguel Lignite Mine, a surface lignite coal mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 to authorize the expansion of lignite mining activities including: the addition of new mining area X-1, Y, and Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed Outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater on an intermittent and flow-variable rate. The draft permit authorizes mine pit water, mine depressurization water, and stormwater from ponds in the "active mining area" on an intermittent and flow-variable basis via Outfall 001M-035M and 050M-060M and mine pit water and stormwater from ponds in the "post-mining area" on an intermittent and flow-variable basis via Outfall 001R-035R and 050R-060R.

The facility is located at 6200 Farm-to-Market Road 3387, south of the City of Christine, in Atascosa County, Texas 78012 and in McMullen County, Texas 78072. To an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=4b3ba45a0b649b8b4dd460f816320f0bmarker=-98.47504439228704444&level=12>

The effluent is discharged via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souse Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008, 020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries, and via Outfalls 034-035 to an unnamed ditch, thence to an unnamed tributary, and via Outfall 037 to an unnamed tributary, thence to La Parita Creek; thence all to the Atascosa River in Segment No. 2107 of the Nueces River Basin; via Outfall 050 to Hog Creek, thence to La Parita Creek; via Outfall 051 to an unnamed tributary, thence to La Parita Creek; via Outfall 052 to an unnamed ditch, thence to La Parita Creek; via Outfall 053 to an unnamed tributary, via Outfall 054 to pipe culvert, thence to a ditch, thence to an unnamed tributary; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek in Segment No. 2108 of the Nueces River Basin; and via 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; via Outfall 059 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Friu River above Choke Canyon Reservoir in Segment No. 2117 of the Nueces River Basin. The undesignated receiving water uses are minimal aquatic life use for all ditches, Bruce Branch, Far Live Oak Creek, and Bill Walker Creek, and high aquatic life use for Leoncita Creek. The designated uses for Segment No. 2107 and No. 2108 are primary contact recreation, public water supply, and high aquatic life use. The designated uses for Segment No. 2117 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an anti-degradation review of the newly proposed receiving waters was performed. A Tier 1 anti-degradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review on the newly proposed outfalls and their discharge routes has preliminarily determined that no significant degradation of water quality is expected in Leoncita Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination of the newly proposed outfalls and discharge routes can be reexamined and may be modified if new information is received.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County.

**DIRECT REFERRAL.**

The Notice of Application and Preliminary Decision was published in English on October 26, 2022. On February 9, 2024, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

**CONTESTED CASE HEARING.**

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the Internet that allows video, audio, or audio/video conferencing.

9:00 a.m. - May 13, 2024

To join the Zoom meeting via computer:  
<https://soah.texas.zoom.us/j/60609037>  
 Meeting ID: 606 000 9037  
 Password: CE27SM  
 or

To join the Zoom meeting via telephone:  
 (669) 254-5232 or (646) 828-7666  
 Meeting ID: 606 000 9037  
 Password: 372702

Visit the SOAH website for registration at: <http://www.suah.texas.gov/>  
 or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial at state district court. The hearing will be conducted in accordance with Chapter 201, Texas Government Code; Chapter 20, Texas Water Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 305; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.suah.texas.gov](http://www.suah.texas.gov), or in printed format upon request to SOAH."

**INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-9440. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from San Miguel Electric Cooperative, Inc. at the address stated above or by calling Mr. David Burris at (830) 784-5411. Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: April 1, 2024

*Lauree Gharti*  
 Lauree Gharti, Chief Clerk  
 Texas Commission on Environmental Quality

**AVISO DE AUDIENCIA**

**Cooperativa Eléctrica de San Miguel, Inc.**  
**Expediente SOAH No. 582-24-14120**  
**Expediente TCEQ No. 2024-0027-IWD**  
**Permiso TPDES No. WQ0002043000**

**APLICACIÓN.**

San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, que opera la mina de lignito San Miguel, una operación minera de carbón de lignito a cielo abierto, ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) una enmienda importante del Permiso No. WQ0002043000 autorizar la expansión de las actividades mineras de lignito, incluyendo: la adición de nuevas áreas mineras X, Y y Z; la adición de cinco estanques de tratamiento propuestos (X-1, X-2, Y-1, Z-1 y Z-2); la adición de cinco desagües propuestos (055, 056, 058, 059 y 060); una revisión de la zona minera 11H; la adición de la balsa de tratamiento propuesta O; y la adición del emisario 057 propuesto; cada uno de los cuales descargará agua de mina de mina, agua de despresurización de mina y aguas pluviales a una tasa intermitente y de flujo variable. El borrador del permiso autoriza el agua del tajo de la mina, el agua de despresurización de la mina y las aguas pluviales de los estanques en el "área minera activa" de forma intermitente y de flujo variable a través de los emisarios 001M-035M y 050M-060M y el agua del pozo de la mina y las aguas pluviales de los estanques en el "área posterior a la minería" de forma intermitente y de flujo variable a través de los emisarios 001R-035R y 050R-060R.

La instalación está ubicada en 6200 Farm-to-Market Road 3387, al sur de la ciudad de Christine, en el condado de Atascosa, Texas 78012 y en el condado de McMullen, Texas 78072. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como cortesía pública y no forma parte de la solicitud o aviso. Para conocer la ubicación exacta, consulte la aplicación.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=4b3ba45a0b649b8b4dd460f816320f0bmarker=-98.47504439228704444&level=12>

El efluente se descarga a través de los desagües 001-006 a un afluente sin nombre, de allí al arroyo Caballos, de allí al arroyo Souse, de allí al arroyo La Parita; a través del emisario 007 hasta un afluente sin nombre, de allí al arroyo La Parita; a través del emisario 009 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; via el desagüe 010 a un afluente sin nombre, de allí al arroyo Christine, de allí al arroyo Metate, de allí al arroyo La Parita; via Desagües 010-019 a afluentes sin nombre, de allí a La Parita Creek; a través de los emisarios 008, 020-023 a un afluente sin nombre, de allí al arroyo Metate, de allí al arroyo La Parita; a través de los emisarios 024-028 a un afluente sin nombre, de allí a Souse Creek, de allí a La Parita Creek; a través de los emisarios 029-030 a un afluente sin nombre, de allí al arroyo Metate, de allí al arroyo La Parita; via el emisario 031 hasta un afluente sin nombre, de allí al arroyo Metate, de allí al arroyo La Parita; via Desagües 032-033 a afluentes sin nombre; a través de los emisarios 034-035 a una zanja sin nombre, de allí a un afluente sin nombre; a través del emisario 057 hasta un afluente sin nombre, de allí al arroyo La Parita; de allí todo al río Atascosa en el segmento No. 2107 de la cuenca del río Nueces; a través del emisario 050 hasta Hog Creek, de allí a La Parita Creek; via el emisario 051 hasta un afluente sin nombre, de allí al arroyo La Parita; via el emisario 052 hasta una zanja sin nombre, de allí al arroyo La Parita; a través del emisario 053 a un afluente sin nombre; a través del emisario 054 hasta la alcantarilla de tubería, de allí a una zanja, de allí a un afluente sin nombre; a través del desagüe 055 hasta Bruce Branch; a través del desagüe 056 hasta Far Live Oak Creek; de allí todo al arroyo San Miguel en el Segmento No. 2108 de la Cuenca del Río Nueces; via 058 hasta Ditch CD Z-2A, de allí a Bill Walker Creek, de allí a Leoncita Creek; a través del desagüe 059 hasta Bill Walker Creek, de allí a Leoncita Creek; a través del desagüe 060 hasta la zanja CD Z-2A, de allí a Bill Walker Creek, de allí a Leoncita Creek; de allí todo al río Friu por encima del embalse Choke Canyon en el segmento No. 2117 de la cuenca del río Nueces. Los usos de agua receptora clasificados son el uso mínimo de vida acuática para todas las zanjas, Bruce Branch, Far Live Oak Creek y Bill Walker Creek, y el uso de vida acuática alta para Leoncita Creek. Los usos designados para los segmentos No. 2107 y No. 2108 son la recreación de contacto primario, el suministro de agua pública y el uso de alta vida acuática. Los usos designados para el Segmento No. 2117 son la recreación de contacto primario, el suministro público de agua, la protección de acuiferos y el uso de alta vida acuática.

De acuerdo con el Título 30 del Código Administrativo de Texas §307.5 y los procedimientos de implementación de la TCEQ (junio de 2010) para los Estándares de Calidad del Agua Superficial de Texas, se realizó una revisión anti-degradación de las aguas receptoras recientemente propuestas. Una revisión anti-degradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán los criterios numéricos y descriptivos para proteger los usos existentes. Una revisión de Nivel 2 sobre los nuevos emisarios propuestos y sus rutas de descarga ha determinado preliminarmente que no se espera una degradación significativa de la calidad del agua en el arroyo Leoncita, que ha sido identificado como de alto uso de vida acuática. Se mantendrán y protegerán los usos existentes. La determinación preliminar de los nuevos emisarios y rutas de descarga propuestas puede ser reexaminada y puede ser modificada si se recibe nueva información.

El director ejecutivo de la TCEQ ha completado el examen técnico de la solicitud y ha preparado un proyecto de permiso. El proyecto de permiso, de ser aprobado, establecería las condiciones bajo las cuales la instalación debe operar. El director ejecutivo ha tomado una decisión preliminar de que este permiso, si se emite, cumple con todos los requisitos legales y reglamentarios. La solicitud de permiso, la decisión preliminar del director ejecutivo y el borrador del permiso están disponibles para su visualización y copia en el Palacio de Justicia del Condado de Atascosa, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas en el Condado de Atascosa y en el Palacio de Justicia del Condado de McMullen, 501 River Street, Tilden, Texas en el Condado de McMullen.

**DERIVACIÓN DIRECTA.**

El anuncio de solicitud y la decisión preliminar se publicaron en inglés el 20 de octubre de 2022. El 9 de febrero de 2024, el Solicitante presentó una solicitud de remisión directa a la Oficina Estatal de Audiencias Administrativas (SOAH). Por lo tanto, el secretario principal ha remitido esta solicitud directamente a SOAH para una audiencia sobre si la solicitud cumple con todos los requisitos legales y reglamentarios aplicables.

**AUDIENCIA DE CASO IMPUGNADO.**

La Oficina Estatal de Audiencias Administrativas (SOAH, por sus siglas en inglés) llevará a cabo una audiencia preliminar a través de una videoconferencia de Zoom. Una reunión de Zoom es una reunión segura y gratuita que se celebra a través de Internet y que permite realizar videoconferencias de audio/audio.

9:00 a.m. - 13 de mayo de 2024

Para unirse a la reunión de Zoom a través de la computadora:  
<https://soah.texas.zoom.us/j/60609037>  
 ID de la reunión: 606 000 9037  
 Contraseña: CE27SM  
 o

Para unirse a la reunión de Zoom por teléfono:  
 (669) 254-5232 o (646) 828-7666  
 ID de reunión: 606 000 9037  
 Contraseña: 372702

Visite el sitio web de SOAH para registrarse en: <http://www.suah.texas.gov/>  
 o llame a SOAH al 512-475-4993.

El propósito de una audiencia preliminar es establecer la jurisdicción, nombrar a las partes, establecer un cronograma procesal para el resto del procedimiento y abordar otros asuntos según lo determine el juez. La fase de audiencia probatoria del procedimiento, que tendrá lugar en una fecha posterior, será similar a un juicio civil en un tribunal de distrito estatal. La audiencia se llevará a cabo de acuerdo con el Capítulo 201 del Código de Gobierno de Texas; Capítulo 26, Código de Aguas de Texas; Reglas de TCEQ, incluido el Capítulo 305 del Código Administrativo de Texas (TAC) 30; y las normas de procedimiento de la TCEQ y la SOAH, incluidos el capítulo 80 del TAC y el capítulo 155 del TAC. La audiencia se llevará a cabo a menos que todas las solicitudes de audiencia hayan sido retiradas o denegadas.

Para solicitar ser parte, debe asistir a la audiencia y demostrar que se vería afectado negativamente por la solicitud de una manera que no es común para los miembros del público en general. Cualquier persona puede asistir a la audiencia y solicitar ser parte. Solo las personas nombradas como partes pueden participar en la audiencia.

De acuerdo con 1 Código Administrativo de Texas § 155.401(a), Aviso de audiencia, "Las partes que no están representadas por un abogado pueden obtener información sobre las audiencias de casos impugnados en el sitio web público de la Oficina Estatal de Audiencias Administrativas en [www.suah.texas.gov](http://www.suah.texas.gov), o en formato impreso previa solicitud a SOAH."

**INFORMACIÓN.**

Si necesita más información sobre el proceso de audiencia para esta solicitud, llame al Programa de Educación Pública, sin cargo, al (800) 687-9440. Puede encontrar información general sobre la TCEQ en nuestro sitio web en [www.tceq.texas.gov](http://www.tceq.texas.gov).

También se puede obtener más información de San Miguel Electric Cooperative, Inc. en la dirección indicada anteriormente o llamando al Sr. David Burris al (830) 784-5411. Las personas con discapacidades que necesitan adaptaciones especiales en la audiencia deben llamar al Departamento de Expedientes de SOAH al (512) 475-4993, al menos una semana antes de la audiencia.

Emitted: 1 de abril de 2024

*Lauree Gharti*  
 Lauree Gharti, Secretaria Principal  
 Comisión de Calidad Ambiental de Texas

## Juliet Varra

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**From:** nfrisbee@smeci.net  
**Sent:** Tuesday, April 9, 2024 3:46 PM  
**To:** EFiling  
**Subject:** Filing on Permit Number/Docket Number 2024-0027-IWD  
**Attachments:** San Miguel Docket 2024-0027-IWD Proof of Publication for NOH Permit WQ0002043000.pdf

**FILING CONFIRMATION NUMBER** 112567532024100

**REGULATED ENTY NAME** SAN MIGUEL ELECTRIC PLANT

**RN NUMBER:** RN100226539

**PERMIT NUMBER:** WQ0002043000

**DOCKET NUMBER:** 2024-0027-IWD

**COUNTY:** ATASCOSA

**PRINCIPAL NAME:** SAN MIGUEL ELECTRIC COOPERATIVE INC, CN600132278

**FROM**

**FILED BY:**

**FILED FOR NAME:** Nellie Frisbee

**E-MAIL:** [nfrisbee@smeci.net](mailto:nfrisbee@smeci.net)

**COMPANY:** San Miguel Electric Cooperative, Inc.

**ADDRESS:** PO BOX 280  
JOURDANTON TX78026-0280

**PHONE:** 830-784-3411

**DOCUMENT NAME:** San Miguel Docket 2024-0027-IWD Proof of Publication for NOH Permit WQ0002043000.pdf

*Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.*



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for San Miguel Electric Cooperative, Inc., SOAH Docket No. 582-24-14120, TCEQ Docket No. 2024-0027-IWD, was mailed on April 2, 2024. The notice of the public hearing was issued on April 1, 2024.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 2nd day of April 2024.

*Laurie Gharis*

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Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

SEAL

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 1, 2024

Ali Abazari, Attorney  
Jackson Walker LP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701

David Burris  
San Miguel Electric Cooperative, Inc.  
P.O. Box 280  
Jourdanton, Texas 78026

RE: Notice of Hearing Package  
Applicant Name: San Miguel Electric Cooperative, Inc.  
Facility Location: Atascosa County and McMullen County, Texas  
Permit Number: WQ0002043000  
Type of Authorization: Major Amendment and Renewal

Dear Mr. Abazari and Mr. Burris,

As you know, the Chief Clerk's Office has referred this matter over to the State Office of Administrative Hearings (SOAH) for a contested case hearing on your application.

SOAH will conduct a preliminary hearing via Zoom video conference at:

9:00 a.m. – May 13, 2024

You are now required to publish notice for this hearing. To help you meet the requirements associated with this notice, we have enclosed the following items:

- Notice for Newspaper Publication
- Instructions for Notice of Hearing
- Affidavit of Publication

Please note that it is VERY IMPORTANT that you follow ALL directions in the ENCLOSED INSTRUCTIONS. If you do not, you may be required to republish the notice. One of the most common mistakes we see is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance, we want to highlight them for you.

1. Publish the enclosed notice within at least **30 calendar days** prior to the date of the hearing.
2. Return **acceptable proof of publication** of the complete notice, which shows publication date and newspaper name, to the TCEQ Office of the Chief Clerk within **10 business days** after notice is published in the newspaper.
3. File the original enclosed *Affidavit of Publication* with the TCEQ Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

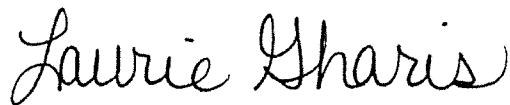
If you do not comply with all requirements described in the instructions, further processing of your application may be suspended or the commission may take other actions.

As required by 30 TAC § 80.118(c), the TCEQ Office of the Chief Clerk (OCC) will provide the administrative record to SOAH, and will retain one copy for its files. In addition, one copy of the administrative record will be provided to you by the OCC. Neither SOAH nor TCEQ is responsible for providing additional copies to the parties. However, the OCC can provide copies upon request.

The administrative record is not in evidence until properly offered by motion of a party, and subsequently admitted by the Administrative Law Judge, pursuant to 30 TAC § 80.127(h). The party seeking admission of the administrative record must supply copies to the other parties in the proceeding at the time it is offered, or by agreement of the parties.

If you have any questions regarding publication requirements, or obtaining copies of the administrative record, please contact the SOAH Docket Clerk in the OCC at 512-239-3300. If you have any other questions, please contact Michael Parr at 512-239-0600.

Sincerely,



Laurie Gharis  
Chief Clerk

LG/mt

Enclosures

cc: James Miertschin, P.E., James Miertschin & Associates, Inc., P.O. Box 162305,  
Austin, Texas 78716

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **NOTICE OF HEARING** **San Miguel Electric Cooperative, Inc.** **SOAH Docket No. 582-24-14120** **TCEQ Docket No. 2024-0027-IWD** **TPDES Permit No. WQ0002043000**

### **APPLICATION.**

San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, which operates San Miguel Lignite Mine, a surface lignite coal mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 to authorize the expansion of lignite mining activities including: the addition of new mining area X, Y, and Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed Outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater on an intermittent and flow-variable rate. The draft permit authorizes mine pit water, mine depressurization water, and stormwater from ponds in the "active mining area" on an intermittent and flow-variable basis via Outfall 001M-035M and 050M-060M and mine pit water and stormwater from ponds in the "post-mining area" on an intermittent and flow-variable basis via Outfall 001R-035R and 050R-060R.

The facility is located at 6200 Farm-to-Market Road 3387, south of the City of Christine, in Atascosa County, Texas 78012 and in McMullen County, Texas 78072. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.476944%2C28.704444&level=12>

The effluent is discharged via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souse Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008, 020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed

tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries; and via Outfalls 034-035 to an unnamed ditch, thence to an unnamed tributary; and via Outfall 057 to an unnamed tributary, thence to LaParita Creek; thence all to the Atascosa River in Segment No. 2107 of the Nueces River Basin; via Outfall 050 to Hog Creek, thence to La Jarita Creek; via Outfall 051 to an unnamed tributary, thence to La Jarita Creek; via Outfall 052 to an unnamed ditch, thence to La Jarita Creek; via Outfall 053 to an unnamed tributary; via Outfall 054 to pipe culvert, thence to a ditch, thence to an unnamed tributary; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek in Segment No. 2108 of the Nueces River Basin; and via 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; via Outfall 059 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-1A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Frio River Above Choke Canyon Reservoir in Segment No. 2117 of the Nueces River Basin. The unclassified receiving water uses are minimal aquatic life use for all ditches, Bruce Branch, Far Live Oak Creek, and Bill Walker Creek, and high aquatic life use for Leoncita Creek. The designated uses for Segment No. 2107 and No. 2108 are primary contact recreation, public water supply, and high aquatic life use. The designated uses for Segment No. 2117 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the newly proposed receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review on the newly proposed outfalls and their discharge routes has preliminarily determined that no significant degradation of water quality is expected in Leoncita Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination of the newly proposed outfalls and discharge routes can be reexamined and may be modified if new information is received.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County.

#### **DIRECT REFERRAL.**

The Notice of Application and Preliminary Decision was published in English on October 26, 2022. On February 9, 2024, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

**CONTESTED CASE HEARING.**

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**9:00 a.m. - May 13, 2024**

**To join the Zoom meeting via computer:**

**<https://soah-texas.zoomgov.com/>**

Meeting ID: 160 000 9037

Password: CE27SM

or

**To join the Zoom meeting via telephone:**

**(669) 254-5252 or (646) 828-7666**

Meeting ID: 160 000 9037

Password: 372702

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>  
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 305; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.”**

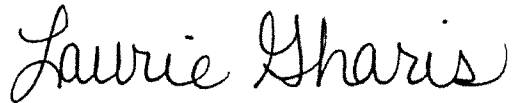
**INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from San Miguel Electric Cooperative, Inc. at the address stated above or by calling Mr. David Burris at (830) 784-3411.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: April 1, 2024

A handwritten signature in black ink that reads "Laurie Gharis". The script is fluid and cursive, with the first letters of each word being capitalized and larger than the rest of the letters.

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

# COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS



## AVISO DE AUDIENCIA

**Cooperativa Eléctrica de San Miguel, Inc.**

**Expediente SOAH No. 582-24-14120**

**Expediente TCEQ No. 2024-0027-IWD**

**Permiso TPDES No. WQ0002043000**

### APLICACIÓN.

San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, que opera la mina de lignito San Miguel, una operación minera de carbón de lignito a cielo abierto, ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) una enmienda importante del Permiso No. WQ0002043000 autorizar la expansión de las actividades mineras de lignito, incluyendo: la adición de nuevas áreas mineras X, Y y Z; la adición de cinco estanques de tratamiento propuestos (X-1, X-2, Y-1, Z-1 y Z-2); la adición de cinco desagües propuestos (055, 056, 058, 059 y 060); una revisión de la zona minera 11H; la adición de la balsa de tratamiento propuesta O; y la adición del emisario 057 propuesto; Cada uno de los cuales descargará agua de mina de mina, agua de despresurización de mina y aguas pluviales a una tasa intermitente y de flujo variable. El borrador del permiso autoriza el agua del tajo de la mina, el agua de despresurización de la mina y las aguas pluviales de los estanques en el "área minera activa" de forma intermitente y de flujo variable a través de los emisarios 001M-035M y 050M-060M y el agua del pozo de la mina y las aguas pluviales de los estanques en el "área posterior a la minería" de forma intermitente y de flujo variable a través de los emisarios 001R-035R y 050R-060R.

La instalación está ubicada en 6200 Farm-to-Market Road 3387, al sur de la ciudad de Christine, en el condado de Atascosa, Texas 78012 y en el condado de McMullen, Texas 78072. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como cortesía pública y no forma parte de la solicitud o aviso. Para conocer la ubicación exacta, consulte la aplicación.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.476944%2C28.704444&level=12>

El efluente se descarga a través de los desagües 001-006 a un afluente sin nombre, de allí al arroyo Caballos, de allí al arroyo Souse, de allí al arroyo La Parita; a través del emisario 007 hasta un afluente sin nombre, de allí al arroyo La Parita; a través del emisario 009 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; vía el desagüe 010 a un afluente sin nombre, de allí al arroyo Christine, de allí al arroyo Metate, de allí al arroyo La Parita; vía Desagües 011-019 a afluentes sin nombre, de allí a La Parita Creek; a través de los emisarios 008, 020-023 a un afluente sin nombre, de allí al arroyo Metate, de allí al arroyo La Parita; a través de los emisarios 024-028 a un afluente sin nombre, de allí a Souse Creek, de allí a La Parita



Creek; a través de los emisarios 029-030 a un afluente sin nombre, de allí al arroyo Metate, de allí al arroyo La Parita; vía el emisario 031 hasta un afluente sin nombre, de allí al arroyo Metate, de allí al arroyo La Parita; vía Desagües 032-033 a afluentes sin nombre; y a través de los emisarios 034-035 a una zanja sin nombre, de allí a un afluente sin nombre; y a través del emisario 057 hasta un afluente sin nombre, de allí al arroyo LaParita; de allí todo al río Atascosa en el segmento No. 2107 de la cuenca del río Nueces; a través del emisario 050 hasta Hog Creek, de allí a La Jarita Creek; vía el emisario 051 hasta un afluente sin nombre, de allí al arroyo La Jarita; vía el emisario 052 hasta una zanja sin nombre, de allí al arroyo La Jarita; a través del emisario 053 a un afluente sin nombre; a través del emisario 054 hasta la alcantarilla de tubería, de allí a una zanja, de allí a un afluente sin nombre; a través del desagüe 055 hasta Bruce Branch; a través del desagüe 056 hasta Far Live Oak Creek; de allí todo al arroyo San Miguel en el Segmento No. 2108 de la Cuenca del Río Nueces; y vía 058 hasta Ditch CD Z-2A, de allí a Bill Walker Creek, de allí a Leoncita Creek; a través del desagüe 059 hasta Bill Walker Creek, de allí a Leoncita Creek; a través del desagüe 060 hasta la zanja CD Z-1A, de allí a Bill Walker Creek, de allí a Leoncita Creek; de allí todo al río Frío por encima del embalse Choke Canyon en el segmento No. 2117 de la cuenca del río Nueces. Los usos de agua receptora no clasificados son el uso mínimo de vida acuática para todas las zanjas, Bruce Branch, Far Live Oak Creek y Bill Walker Creek, y el uso de vida acuática alta para Leoncita Creek. Los usos designados para los segmentos N° 2107 y N° 2108 son la recreación de contacto primario, el suministro de agua pública y el uso de alta vida acuática. Los usos designados para el Segmento No. 2117 son la recreación de contacto primario, el suministro público de agua, la protección de acuíferos y el uso de alta vida acuática.

De acuerdo con el Título 30 del Código Administrativo de Texas §307.5 y los procedimientos de implementación de la TCEQ (junio de 2010) para los Estándares de Calidad del Agua Superficial de Texas, se realizó una revisión antidegradación de las aguas receptoras recientemente propuestas. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán los criterios numéricos y descriptivos para proteger los usos existentes. Una revisión de Nivel 2 sobre los nuevos emisarios propuestos y sus rutas de descarga ha determinado preliminarmente que no se espera una degradación significativa de la calidad del agua en el arroyo Leoncita, que ha sido identificado como de alto uso de vida acuática. Se mantendrán y protegerán los usos existentes. La determinación preliminar de los nuevos emisarios y rutas de descarga propuestos puede ser reexaminada y puede ser modificada si se recibe nueva información.

El director ejecutivo de la TCEQ ha completado el examen técnico de la solicitud y ha preparado un proyecto de permiso. El proyecto de permiso, de ser aprobado, establecería las condiciones bajo las cuales la instalación debe operar. El director ejecutivo ha tomado una decisión preliminar de que este permiso, si se emite, cumple con todos los requisitos legales y reglamentarios. La solicitud de permiso, la decisión preliminar del director ejecutivo y el borrador del permiso están disponibles para su visualización y copia en el Palacio de Justicia del Condado de Atascosa, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas en el Condado de Atascosa y en el Palacio de

Justicia del Condado de McMullen, 501 River Street, Tilden, Texas en el Condado de McMullen.

**DERIVACIÓN DIRECTA.**

El anuncio de solicitud y la decisión preliminar se publicaron en inglés el 26 de octubre de 2022. El 9 de febrero de 2024, el Solicitante presentó una solicitud de remisión directa a la Oficina Estatal de Audiencias Administrativas (SOAH). Por lo tanto, el secretario principal ha remitido esta solicitud directamente a SOAH para una audiencia sobre si la solicitud cumple con todos los requisitos legales y reglamentarios aplicables.

**AUDIENCIA DE CASO IMPUGNADO.**

La Oficina Estatal de Audiencias Administrativas (SOAH, por sus siglas en inglés) llevará a cabo una audiencia preliminar a través de una videoconferencia de Zoom. Una reunión de Zoom es una reunión segura y gratuita que se celebra a través de Internet y que permite realizar videoconferencias de audio/audio.

**9:00 a.m. - 13 de mayo de 2024**

**Para unirse a la reunión de Zoom a través de la computadora:**

**<https://soah-texas.zoomgov.com/>**

ID de la reunión: 160 000 9037

Contraseña: CE27SM

o

**Para unirse a la reunión de Zoom por teléfono:**

**(669) 254-5252 o (646) 828-7666**

ID de reunión: 160 000 9037

Contraseña: 372702

**Visite el sitio web de SOAH para registrarse en: <http://www.soah.texas.gov/>  
o llame a SOAH al 512-475-4993.**

El propósito de una audiencia preliminar es establecer la jurisdicción, nombrar a las partes, establecer un cronograma procesal para el resto del procedimiento y abordar otros asuntos según lo determine el juez. La fase de audiencia probatoria del procedimiento, que tendrá lugar en una fecha posterior, será similar a un juicio civil en un tribunal de distrito estatal. La audiencia se llevará a cabo de acuerdo con el Capítulo 2001 del Código de Gobierno de Texas; Capítulo 26, Código de Aguas de Texas; Reglas de TCEQ, incluido el Capítulo 305 del Código Administrativo de Texas (TAC) 30; y las normas de procedimiento de la TCEQ y la SOAH, incluidos el capítulo 80 del TAC 30 y el capítulo 155 del TAC. La audiencia se llevará a cabo a menos que todas las solicitudes de audiencia hayan sido retiradas o denegadas.

Para solicitar ser parte, debe asistir a la audiencia y demostrar que se vería afectado negativamente por la solicitud de una manera que no es común para los miembros del público en general. Cualquier persona puede asistir a la audiencia y solicitar ser parte. Solo las personas nombradas como partes pueden participar en la audiencia.

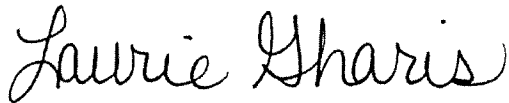
**De acuerdo con 1 Código Administrativo de Texas § 155.401(a), Aviso de audiencia, "Las partes que no están representadas por un abogado pueden obtener información sobre las audiencias de casos impugnados en el sitio web público de la Oficina Estatal de Audiencias Administrativas en [www.soah.texas.gov](http://www.soah.texas.gov), o en formato impreso previa solicitud a SOAH".**

**INFORMACIÓN.**

Si necesita más información sobre el proceso de audiencia para esta solicitud, llame al Programa de Educación Pública, sin cargo, al (800) 6874040. Puede encontrar información general sobre la TCEQ en nuestro sitio web en [www.tceq.texas.gov](http://www.tceq.texas.gov).

También se puede obtener más información de San Miguel Electric Cooperative, Inc. en la dirección indicada anteriormente o llamando al Sr. David Burris al (830) 784-3411. Las personas con discapacidades que necesiten adaptaciones especiales en la audiencia deben llamar al Departamento de Expedientes de SOAH al (512) 475-4993, al menos una semana antes de la audiencia.

Emitido: 1 de abril de 2024

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis, Secretaria Principal  
Comisión de Calidad Ambiental de Texas

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## INSTRUCTIONS FOR PUBLIC NOTICE For Water Quality Permit

### NOTICE OF HEARING

A hearing was requested on issues related to your application and the Commission granted this request. The matter has been referred to the State Office of Administrative Hearings. Now you must comply with the following instructions:

#### **Please Review Notice**

We have included in the hearing notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

#### **Newspaper Notice**

- You must publish the enclosed Notice of Hearing no less than **30** days before the hearing.
- You must publish the enclosed Notice of Hearing at least once and at your expense, in a newspaper that is regularly published or circulated in each county where, by virtue of the county's geographical relation to the subject matter of the hearing, a person may reasonably believe persons reside who may be affected by the action that may be taken as a result of the hearing. A list of the appropriate counties provided by the executive director is described in the cover letter.

#### **Proof of Publication**

- For each published notice, you must submit proof of publication that shows the notice, the date of publication, and the name of the newspaper to the Office of the Chief Clerk within **10 business days** after the date of publication. Acceptable proof of publication is 1) a copy of the published notice or 2) the original newspaper clipping of the published notice. If you choose to submit a copy of the published notice to the Office of the Chief Clerk, the copy must be on standard-size 8½" x 11" paper and must show

the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8½" x 11" pages. Please note, submitting a copy of your published notice could result in faster processing of your application. It is recommended that you maintain the original newspaper clipping or tear sheet of the notice for your records.

- You must submit a **publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit form.** The affidavit must clearly identify the applicant's name and permit number.
- You are encouraged to submit the affidavit with the proof of publication described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- The **publisher's affidavit** and **proof of publication of the published notice** may be filed with the Chief Clerk electronically at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or mailed to:

TCEQ  
Office of the Chief Clerk, MC 105  
Attn: SOAH Docket Clerk  
P.O. Box 13087  
Austin, Texas 78711-3087

- Please ensure that the affidavit you send to the Chief Clerk is original and that all blanks on the affidavit are filled in correctly.

### **Failure to Publish and Submit Proof of Publication**

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time**, the TCEQ may suspend further processing of your application or take other actions.

### **General Information**

When contacting the Commission regarding this application, please refer to the permit number and TCEQ Docket number at the top of the Notice of Hearing.

If you have questions or need assistance regarding this notice, please contact the staff attorney listed in the cover letter or the SOAH Docket Clerk in the Office of the Chief Clerk at (512) 239-3300.

TCEQ - Office of the Chief Clerk  
MC-105 Attn: SOAH Docket Clerk  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: San Miguel Electric Cooperative, Inc.  
TCEQ Docket Number: 2024-0027-IWD  
Notice of Hearing

## AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §  
COUNTY OF: \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
(name of newspaper representative)

sworn, deposes and says that (s)he is the \_\_\_\_\_  
(title of newspaper representative)

of the \_\_\_\_\_ ; that said newspaper is  
(name of newspaper)

regularly published or generally circulated in \_\_\_\_\_  
(county/counties)

County/Countries, Texas; that the attached notice was published in said newspaper on the  
following date(s): \_\_\_\_\_  
(date(s))

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_ 00018

MAILING LIST  
San Miguel Electric Cooperative, Inc.  
TCEQ Docket No. 2024-0027-IWD  
TCEQ Permit No. WQ0002043000

FOR THE APPLICANT

Ali Abazari, Attorney  
Jackson Walker LP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701

David Burris  
San Miguel Electric Cooperative, Inc.  
P.O. Box 280  
Jourdanton, Texas 78026

James Miertschin, P.E.  
James Miertschin & Associates, Inc.  
P.O. Box 162305  
Austin, Texas 78716

INTERESTED PERSON(S):

See attached list

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Michael Parr, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711

Thomas Starr, Technical Staff  
Texas Commission on Environmental  
Quality  
Occupational Licensing and Registration  
Division, MC-178  
P.O. Box 3087  
Austin, Texas 78711

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program, MC-108  
P.O. Box 13087  
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Pranjal Mehta, Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711

FOR THE CHIEF CLERK:  
via eFilings:

Docket Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711  
[www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings)

THE HONORABLE PETE FLORES  
TEXAS SENATE  
DISTRICT ROOM E1.808  
TEXAS STATE CAPITOL  
pete.flores@senate.texas.gov

THE HONORABLE ROLAND GUTIERREZ  
TEXAS SENATE  
DISTRICT ROOM GE.5  
TEXAS STATE CAPITOL  
roland.gutierrez@senate.texas.gov

THE HONORABLE JUDITH ZAFFIRINI  
TEXAS SENATE  
DISTRICT 21 ROOM 1E.14  
TEXAS STATE CAPITOL  
Judith.zaffirini@senate.texas.gov

THE HONORABLE RYAN GUILLEN  
TEXAS HOUSE OF REPRESENTATIVES  
DISTRICT ROOM 1W.3  
TEXAS STATE CAPITOL  
Ryan.guillen@house.texas.gov,  
robert.mcvey@house.texas.gov

THE HONORABLE TRACY O KING  
TEXAS HOUSE OF REPRESENTATIVES  
DISTRICT ROOM GW.16  
TEXAS STATE CAPITOL  
Tracy.king@house.texas.gov



CITY OF CHRISTINE  
HEALTH OFFICIAL  
PO BOX 238  
CHRISTINE TX 78012-0238

CITY OF CHRISTINE  
MAYOR  
PO BOX 238  
CHRISTINE TX 78012-0238

RESOURCE RECOV MANGR  
ALAMO AREA COUNCIL OF GOVERNME  
8200 PERRIN BEITEL RD  
SAN ANTONIO TX 78218-1547

ATASCOSA COUNTY HEALTH DEPT  
101 COURTHOUSE CIRCLE DR  
JOURDANTON TX 78026

ATASCOSA COUNTY JUDGE  
1 COURTHOUSE CIRCLE DR STE 101  
JOURDANTON TX 78026-3446

CITY OF CORPUS CHRISTI  
WATER DIVISION  
PO BOX 9277  
CORPUS CHRISTI TX 78469-9277

COASTAL BEND COUNCIL OF GOVERN  
PO BOX 9909  
CORPUS CHRISTI TX 78469-9909

MCMULLEN COUNTY JUDGE  
COUNTY COURTHOUSE  
PO BOX 237  
TILDEN TX 78072-0237

NUECES RIVER AUTHORITY  
539 CRYSTAL CITY HWY  
UVALDE TX 78801-6127

GENERAL MANAGER  
SAN ANTONIO RIVER AUTHORITY  
100 E GUENTHER  
SAN ANTONIO TX 78204-1401

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

PUBLIC HEALTH REGION 8  
TEXAS DEPARTMENT OF STATE HEAL  
7430 LOUIS PASTEUR DR  
SAN ANTONIO TX 78229-4507

US ARMY CORPS OF ENGINEERS  
2000 FORT POINT RD  
GALVESTON TX 77550-3211

US ARMY CORPS OF ENGINEERS REG  
CESWS-PER-R  
PO BOX 17300  
FORT WORTH TX 76102-0300

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
4444 CORONA DR STE 215  
CORPUS CHRISTI TX 78411-4300

RUSSELL LABUS MANAGER  
EVERGREEN UNDERGROUND WATER CO  
110 WYOMING BLVD  
PLEASANTON TX 78064-4463

LONNIE STEWART MANAGER  
MCMULLEN GROUNDWATER CONSERVAT  
PO BOX 232  
TILDEN TX 78072-0232

MARCIE ALEXANDER  
ENVIRONMENTAL INTEGRITY PROJECT  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

DEVIN D BENSON  
BENSON & JONES PLLC  
STE 550  
745 E MULBERRY AVE  
SAN ANTONIO TX 78212-3163

BRENT A ELLIOTT DIRECTOR  
RAILROAD COMMISSION OF TEXAS  
PO BOX 12967  
AUSTIN TX 78711-2967

DUBELZA GALVAN  
LLOYD GOSSELINK  
STE 1900  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

LEONARD G GARCIA  
1078 HARVEST DANCE DR  
LEANDER TX 78641

SCOTT R HALTY  
SAN ANTONIO WATER SYSTEM  
PO BOX 2449  
SAN ANTONIO TX 78298-2449

AMY A HESSELTINE PE  
LNV ENGINEERING  
STE 300  
801 NAVIGATION BLVD  
CORPUS CHRISTI TX 78408-2600

LAUREN ICE  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

GWYNETH LONERGAN  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

MR & MRS MARK MUND  
852 CUT OFF RD  
FREDERICKSBURG TX 78624-6450

MARISA PERALES ATTORNEY  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

KEVIN REESE WATER QUALITY SPECIALIST  
NUECES RIVER AUTHORITY  
STE 805  
500 INTERSTATE HIGHWAY 69 ACCESS RD  
ROBSTOWN TX 78380-3324

LOUIS T ROSENBERG  
LAW OFFICE OF LOUIS T ROSENBERG PC  
1024 C ST  
FLORESVILLE TX 78114-2224

MR & MRS BOB ULRICH  
1873 BRONDER RD  
PLEASANTON TX 78064-6771

NATHAN E VASSAR  
LLOYD GOSSELINK ROCHELLE & TOWNSEI  
STE 1900  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

SU-TAIN RANCH LTD  
2009 COUNTISS ROAD  
JOURDANTON TX 78026

ROBERT MURRAY SWAIM  
P O BOX 100  
TILDEN TX 78072

JENNIFER MATT-LYNN  
PENNINGTON HOFFERICTHER  
P O BOX 301  
JOURDANTON TX 78026

NANCY WHEELER PLUMLEE  
P O BOX 150  
GIDDINGS TX 78942

KATHY F SMITH  
P O. BOX 1676  
MARBLE FALLS TX 78654

LEE F LIVELY  
P O BOX 449  
GIDDINGS TX 78942

NANCY WHEELER PLUMLEE  
1232 CR 227  
GIDDINGS TX 78942

PEGGY F. STEINLE  
P O. BOX 93  
JOURDANTON TX 78026

RODNEY AND BOBBIE SWAIM  
FAMILY LIMITED PARTNERSHIP  
151 FRANKLIN RANCH ROAD  
JOURDANTON TX 78026

BESSILIA G GUERRERO  
P O BOX 254  
TILDEN TX 78072

WALT FRANKLIN  
360 FRANKLIN RANCH ROAD  
TILDEN TX 78072

ROBERT W ERRINGTON & WIFE  
FATIMA RODRIGUEZ ERRINGTON  
P O BOX 241  
TILDEN TX 78072

ALONZO GARZA  
P O BOX 372  
TILDEN TX 78072

BROCKTON V & CHARLOTTE K  
SCHUPP  
317 SIDNEY BAKER S  
KERRVILLE TX 78028

CAMILLA WILSON  
1524 WOLF BEND RD  
GERMANTOWN TN 35138

ELTA GRACE PENNINGTON  
100 CROSS CREEK RANCH RD  
JOURDANTON TX 78026

EDWARDS FRANKLIN RANCH LLC  
P O BOX 158  
TILDEN TX 78072

SHORTY INVESTMENTS LTD  
619 HILLSONG  
SAN ANTONIO TX 78258

GAYLE CRAIN KUYKENDALL  
TRUSTEE ROBBIE KUYKENDALL  
FAMILY 2012 TRUST  
132 AUBURN PLACE  
SAN ANTONIO TX 78209

JERALD & BRENDA KOLINEK  
920 TOM ROAD  
FLORESVILLE TX 78114

BARBARA BACON  
971 OAKWOOD  
SAN ANTONIO TX 78228

FRANKIE SWAIM  
3673 N HWY 16  
JOURDANTON TX 78026

MCTEE L7 RANCH LTD  
3267 BEE CAVES RD STE 107-81  
AUSTIN TX 78746

NUSTAR LOGISTICS  
P O BOX 780339  
SAN ANTONIO TX 78278-9914

WESLEY F & SUE SWAIM FAMILY  
LIMITED PARTNERSHIP  
P O BOX 513  
TILDEN TX 78072

PRIMITIVE RANCHES, LLC  
P O BOX 1001  
WIMBERLEY TX 78767

HENRY & LINDA LEE  
P O BOX 200  
TILDEN TX 78072

MURRAY R SWAIM  
P O BOX 100  
TILDEN TX 78072

JAIME CATHERINE PENNINGTON  
ALBERT  
P O BOX 445  
FALLS CITY TX 78113

STATE OF TEXAS, GENERAL  
LAND OFFICE  
1700 N CONGRESS AVE SUITE 640  
AUSTIN TX 78701

TYLER RANCH PARTNERS LTD  
P O BOX 132  
TILDEN TX 78072

DTB INVESTMENTS LP  
C/O QUINTEN SCOTT  
28615 IH-10 W  
BOERNE TX 78006

WYE RANCH LTD  
P O BOX 12632  
SAN ANTONIO TX 78212

MCMULLEN COUNTY  
501 RIVER STREET  
TILDEN TX 78072

ROGER ELIZONDO  
2502 BROWN AVENUE  
JOURDANTON TX 78026

THE PATRICK RAYES FAMILY  
PARTERNSHIP LTD  
P O BOX 195429  
DALLAS TX 75219-8607

CLIFTON WHEELER, JR  
P O BOX 1676  
GEORGE WEST TX 78022

DONALD HAYNES JR  
P O BOX 543  
TILDEN TX 78072

SAN MIGUEL PLANT  
SAN MIGUEL ELECTRIC COOP INC  
P O BOX 280  
JOURDANTON TX 78026  
SAN MIGUEL PLANT WATER  
WELL SITES  
SAN MIGUEL ELECTRIC COOP INC  
P O BOX 280  
JOURDANTON TX 78026

MARNIE RAYES GARCIA  
P O BOX 855  
PLEASANTON TX 78064

DTB INVESTMENTS LP  
P O BOX 2066  
BANDERA TX 78003

SAN MIGUEL ELECTRIC COOP INC  
P O BOX 280  
JOURDANTON TX 78026

MARGARET STEPHENSON  
P O BOX 522  
PLEASANTON TX 78064

MCMULLEN FOUR K GENERAL  
PARTNERSHIP  
C/O ALVIN KASSNER  
219 COUNTRYWOOD  
SAN ANTONIO TX 78216

WAYDE N SWAIM  
115 TYLER RANCH ROAD  
JOURDANTON TX 78023

IDA MAE HENRY KAISER  
P O BOX 246  
JOURDANTON TX 78026

A M PEELER JR  
100 LA PARITA ROAD  
JOURDANTON TX 78026

MARCI MAHONEY  
395 CR 328  
JOURDANTON TX 78026

DORNAK RANCH 1938 LLC  
JEFFREY DALE DORNAK  
14100 AVERY RANCH BLVD #203  
AUSTIN TX 78717

JASON BYRON PEELER  
3007 FM 539  
FLORESVILLE TX 78114

JO ANN MAHONEY  
665 CR 328  
JOURDANTON TX 78026

ROBERT F ADAMS ESTATE  
CLARICE A DROUGHTON  
4130 GLENSHIRE ST  
HOUSTON TX 77025

EOG RESOURCES INC  
P O. BOX 4362  
HOUSTON TX 72210-4362

MICHAEL MAHONEY  
P O BOX 102  
PLEASANTON TX 78064

LEIGH J RICE AND MALAINA A  
JOHNSON  
13 WINDEMERE CT  
FORT WALTON BEACH FL 32547

SEVENTY FOUR RANCH  
C/O BENCHMARK AD VALOREM  
P O BOX 700925  
SAN ANTONIO, TX 78270

MARK MAHONEY  
8302 CRESCENT KNOLLS DR  
RICHMOND TX 77406

DJH RANCH LP  
C/O MR EDWIN H KNIGHT JR  
712 MAIN STREET STE 1900  
HOUSTON TX 77002-3220

MBF HOLDINGS MCMULLEN LP  
600 ROUND ROCK DR WEST #103  
ROUND ROCK TX 78681

DICKE FRANKIE HENRY  
LIFE ESTATE  
P O BOX 446  
UVALDE TX 78802

JAMES A & NANCY L MATHEWS  
TRUSTEES OF JAMES & NANCY REV.  
LIVING TRUST  
2002 DELWOOD DR  
ABILENE TX 79603

LAURA JANE ELDER & LINDA  
GAIL WEED  
P O BOX 1239  
UVALDE TX 78802

RIVERVIEW ENTERPRISES LLC  
C/O RODERICK & JOSEPH SAUTER  
34 REDBUD RIDGE PLACE  
SPRING TX 77830

HERALD MOURSUND  
C/O MRS CE DICKINSON  
PMB 164, 1042-B N EL CAMINO REAL  
ENCINITAS CA 92024

DORA RUTHERFORD  
P O BOX 247  
PLEASANTON TX 78064

RALPH SAUTER  
960 PONDEROSA DR  
NEW BRAUNFELS TX 78132

RUTH TYMRAK  
P O BOX 162  
CAMPBELLTON TX 78008

CHARLOTT B WARREN  
179 E ELMVIEW  
SAN ANTONIO TX 78212

ARTHUR WAYNE SWAIM  
P O BOX 406  
TILDEN TX 78072

CRAIG FRANKLIN  
P O BOX 253  
TILDEN TX 78072

CLAUDE FRANKLIN RANCH, LTD  
P O BOX 396  
TILDEN TX 78072

MONO'S DREAM LTD  
P O BOX 66  
105 HARROD ST  
OAKVILLE TX 78060

MARJORIE E STEPHENSON  
P O BOX 609  
CHARLOTTE TX 78011

LESLIE ROBB STEPHENSON AS TRUSTEE  
OF THE ROBB STEPHENSON LIFETIME  
TRUST  
1144 FM 3352  
MOORE TX 78057

MARRO LTD  
10020 HUNTERS RUN  
COLLEGE STATION TX 77845

ROBERT HOWARD MOSIER  
10020 HUNTERS RUN  
COLLEGE STATION TX 77845

BRENDA MOSIER DUERER  
3458 COUNTY ROAD 707  
KOSSE TX 76653

LINDA KAY MANLEY  
7902 FM 979  
CAMERON TX 76520

CHESTER W MOSIER  
16534 COUNTY RD 164  
IOLA TX 77861

MARY CATHERINE KESSLER  
P O BOX 543  
TILDEN TX 78072

JUSTIN ALONZO PEELER/AM  
PEELER JR & BARBARA GENE  
PEELER  
A M PEELER RANCH LLC  
100 LA PARITA ROAD

BILLY WAYNE KAISER JR  
P O BOX 40  
JOURDANTON TX 78026

CAT HIL ARROW S LLC  
1000 LOUISIANA STE 7000  
HOUSTON TX 77002

JUSTIN ALONZO PEELER  
100 LA PARITA ROAD  
JOURDANTON TX 78026

## WQ STANDARD MAIL LIST

APPLICANT:

Other Applicant Representatives:

PERMIT #:

BASIN:

REGION:

COUNTY:

PERMITTEE:

TO BE PUBLISHED BY:

DATE NOTICE MAILED:

CCO #:

NOTICE TECH INITIALS:

EVELYN ROSBOROUGH  
USEPA REGION 6  
1445 ROSS AVE STE 1200  
MAIL CODE 6WQ  
DALLAS TX 75202-2733  
[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)  
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD  
LONE STAR CHAPTER SIERRA CLUB  
PO BOX 4998  
AUSTIN TX 78765  
[cyrus.reed@sierraclub.org](mailto:cyrus.reed@sierraclub.org)

MYRON J HESS  
1705 MARGARET ST  
AUSTIN TX 78704  
[myron@myronhess.com](mailto:myron@myronhess.com)

AMANDA FULLER  
NATIONAL WILDLIFE FEDERATION  
505 E HUNTLAND DR STE 485  
AUSTIN TX 78752  
[fullera@nwf.org](mailto:fullera@nwf.org)

ANNE ROGERS  
COASTAL FISHERIES DIVISION – FPP  
TEXAS PARKS AND WILDLIFE  
**INTERAGENCY MAIL**  
[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)

SARA THORNTON  
LLOYD GOSSELINK ROCHELLE & TOWNSEND  
816 CONGRESS AVE STE 1900  
AUSTIN TX 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

RAILROAD COMMISSION OF TEXAS  
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT  
**INTERAGENCY MAIL**

DONNA MCCARVER  
ARCHEOLOGY DIVISION  
TEXAS HISTORICAL COMMISSION  
**INTERAGENCY MAIL**  
[donna.mccarver@thc.texas.gov](mailto:donna.mccarver@thc.texas.gov)

NICHOLE SAUNDERS  
ENVIRONMENTAL DEFENSE FUND  
5400 MUSKET RDG  
AUSTIN, TX 78759  
[nsaunders@edf.org](mailto:nsaunders@edf.org)

DAVID T VILLARREAL PH.D.  
ENVIRONMENTAL QUALITY PROGRAM  
TEXAS DEPARTMENT OF AGRICULTURE  
**INTERAGENCY MAIL**

HEIDI BOJES PH.D.  
TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
**INTERAGENCY MAIL**  
[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)  
(Bojes gets IHW, MSW, and WQ notices.)

LESLIE KOZA  
GRANT PROGRAM AND SUPPORT DIVISION  
COASTAL RESOURCES PROGRAM  
TEXAS GENERAL LAND OFFICE  
**INTERAGENCY MAIL**  
[federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov)  
(KOZA only gets notices with CMP language.)

MICHAEL BOOTH  
5701 W SLAUGHTER A130-404  
AUSTIN TX 78749

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ALI ABAZARI  
JACKSON WALKER LLP  
100 CONGRESS AVE STE 1100  
AUSTIN TX 78701-4042

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SAN MIGUEL ELECTRIC COOPERATIVE INC  
MR JAMES MIERTSCHIN  
2024-0027-IWD  
WQ0002043000  
128230

1. Article Addressed to:

ALI ABAZARI  
JACKSON WALKER LLP  
100 CONGRESS AVE STE 1100  
AUSTIN TX 78701-4042

2. Article Number (Transfer from service label)

7022 0410 0003 3377 5921

PS Form 3811, July 2020 PSN 7530-02-000-9053

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| <input type="checkbox"/> Adult Signature Required                                                | \$ |
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| MR DAVID BURRIS                                                                                  |    |
| SAN MIGUEL ELECTRIC COOPERATIVE INC                                                              |    |
| PO BOX 280                                                                                       |    |
| JOURDANTON TX 78026-0280                                                                         |    |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions                       |    |

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0057128230

November 7, 2023

Ms. Laurie Gharis, Chief Clerk  
Office of Chief Clerk  
Texas Commission on Environmental Quality MC 105  
P.O. Box 13087  
Austin, TX 78711-3087

RE: Application of San Miguel Electric Cooperative Inc., for TPDES Proposed Permit  
No. WQ0002043000; CN600132278; RN100226539

Dear Ms. Gharis:

The original comment period on this application ended on November 28, 2022. However, after the close of the comment period, the Applicant discovered inaccuracies in its Adjacent Landowner List and Map (List and Map), leading to some landowners not receiving mailed notice of the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) and the Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD). After the Applicant corrected the inaccuracies in its List and Map, I advised the Applicant to mail a Combined NORI/NAPD to the newly identified landowners. Because there were no substantive changes in the application, I also advised the Applicant that republishing the notices would not be necessary.

Recognizing the importance of public participation in the environmental permitting process, the Executive Director exercised her authority under Title 30, Section 55.152(a)(8) of the Texas Administrative Code and extended the public comment period to 5:00 p.m. on November 3, 2023. The Executive Director is authorized to extend the comment period for a permit application for good cause under Section 55.152(a)(8). A lack of mailed notice to which an adjacent landowner is entitled to, constitutes good cause. Accordingly, the comment period for San Miguel Electric Cooperative Inc.'s application for a Major Amendment to TPDES Permit No. WQ0002043000 ended on Friday, November 3, 2023 at 5:00 p.m.

00030  
11/7/23

If you have any questions or comments, please call me at 512-239-0611. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Parr II". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

---

Michael T. Parr II, *Staff Attorney*  
Environmental Law Division

cc: Todd Galiga, TCEQ Environmental Law Division  
Alyssa Loveday, TCEQ, Office of Water, WQD-Industrial Team Leader  
Thomas Starr, TCEQ, Office of Water, WQD-Permit Writer

## Georgia Carroll-Warren

---

**From:** Thomas Starr  
**Sent:** Tuesday, November 7, 2023 10:08 AM  
**To:** Georgia Carroll-Warren  
**Subject:** FW: WQ0002043000, San Miguel Electricity Cooperative  
**Attachments:** San Miguel Comment Period letter to CCO.docx

Georgia,  
Will this letter do from Michael.  
Thanks  
Te

**From:** Michael Parr <michael.parr@tceq.texas.gov>  
**Sent:** Tuesday, November 7, 2023 9:34 AM  
**To:** Thomas Starr <Thomas.Starr@Tceq.Texas.Gov>  
**Subject:** RE: WQ0002043000, San Miguel Electricity Cooperative

Hi Te, here is the letter. Please let me know if Georgia thinks the information I provided is sufficient.

Thanks,  
Michael

**Michael T. Parr II, Staff Attorney**  
Water Quality, Environmental Law Division  
Office of Legal Services, TCEQ  
email: [Michael.Parr@tceq.texas.gov](mailto:Michael.Parr@tceq.texas.gov)  
phone: 512-239-0611/512-814-5558

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**From:** Thomas Starr <[Thomas.Starr@Tceq.Texas.Gov](mailto:Thomas.Starr@Tceq.Texas.Gov)>  
**Sent:** Friday, November 3, 2023 1:17 PM  
**To:** Michael Parr <[michael.parr@tceq.texas.gov](mailto:michael.parr@tceq.texas.gov)>  
**Subject:** FW: WQ0002043000, San Miguel Electricity Cooperative

Michael,  
Today would be the end comments on this permit if the normal 30 day period is used.  
Te

**From:** Georgia Carroll-Warren <[Georgia.Carroll-Warren@tceq.texas.gov](mailto:Georgia.Carroll-Warren@tceq.texas.gov)>  
**Sent:** Friday, November 3, 2023 12:06 PM  
**To:** Thomas Starr <[Thomas.Starr@Tceq.Texas.Gov](mailto:Thomas.Starr@Tceq.Texas.Gov)>  
**Cc:** Brad Patterson <[Brad.Patterson@tceq.texas.gov](mailto:Brad.Patterson@tceq.texas.gov)>  
**Subject:** RE: WQ0002043000, San Miguel Electricity Cooperative

Hi Thomas: Please have Michael Parr send an memo stating publication is not needed and what the comment period end date will be along with information detailing the reasons.

Thank you.

Georgia Carroll-Warren  
Texas Commission on Environmental Quality (TCEQ)  
Office of the Chief Clerk, Notice Team Work Leader  
Phone: (512) 239-3314  
[georgia.carroll-warren@tceq.texas.gov](mailto:georgia.carroll-warren@tceq.texas.gov)

 Please consider whether it is necessary to print this e-mail.

**From:** Thomas Starr <[Thomas.Starr@Tceq.Texas.Gov](mailto:Thomas.Starr@Tceq.Texas.Gov)>  
**Sent:** Friday, November 3, 2023 11:48 AM  
**To:** Georgia Carroll-Warren <[Georgia.Carroll-Warren@tceq.texas.gov](mailto:Georgia.Carroll-Warren@tceq.texas.gov)>  
**Subject:** WQ0002043000, San Miguel Electricity Cooperative

Georgia,  
What do I need to do if anything to get an End Comments posted on CID for the above permit.  
It was agreed by our lawyer, Michael Parr, that the permittee only needed to wait 30 days after the new combined notice was mailed out and did not have to re-advertise the combined notice.  
I know this is not the norm so if I need to send a memo or get an email from Michael Parr then I will do.  
The remand memo mentioned this but if a more specific memo is needed then let me know.  
Thanks  
Te

Sincerely,

Thomas E. Starr, P.E.

Permit Writer  
Water Quality Division  
Wastewater Permitting, Industrial Permits  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg F, Room 2101  
Phone: 512-239-4570



Customer Satisfaction Survey

## WQ STANDARD MAIL LIST

**APPLICANT:**

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC COOPERATIVE  
INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

**Other Applicant Representatives:**

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC  
COOPERATIVE INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC  
COOPERATIVE INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

PERMIT #: WQ0002043000

**BASIN:**

**REGION:** 13

**COUNTY:** ATASCOSA

**PERMITTEE:**

SAN MIGUEL ELECTRIC COOPERATIVE INC

**TO BE PUBLISHED BY:**

MR DAVID BURRIS

**DATE NOTICE MAILED:** October 3, 2023

**CCO #:** 128230

**NOTICE TECH INITIALS:** KIMOORE

EVELYN ROSBOROUGH  
USEPA REGION 6  
1445 ROSS AVE STE 1200  
MAIL CODE 6WQ  
DALLAS TX 75202-2733  
[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)

**(Rosborough only gets notices with TPDES language.)**

CYRUS REED PHD  
LONE STAR CHAPTER SIERRA CLUB  
PO BOX 4998  
AUSTIN TX 78765  
[cyrus.reed@sierraclub.org](mailto:cyrus.reed@sierraclub.org)

MYRON J HESS  
1705 MARGARET ST  
AUSTIN TX 78704  
[myron@myronhess.com](mailto:myron@myronhess.com)

AMANDA FULLER  
NATIONAL WILDLIFE FEDERATION  
505 E HUNTLAND DR STE 485  
AUSTIN TX 78752  
[fullera@nwf.org](mailto:fullera@nwf.org)

ANNE ROGERS  
COASTAL FISHERIES DIVISION – FPP  
TEXAS PARKS AND WILDLIFE  
**INTERAGENCY MAIL**  
[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)

SARA THORNTON  
LLOYD GOSSELINK ROCHELLE & TOWNSEND  
816 CONGRESS AVE STE 1900  
AUSTIN TX 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

RAILROAD COMMISSION OF TEXAS  
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT  
**INTERAGENCY MAIL**

DONNA MCCARVER  
ARCHEOLOGY DIVISION  
TEXAS HISTORICAL COMMISSION  
**INTERAGENCY MAIL**  
[donna.mccarver@thc.texas.gov](mailto:donna.mccarver@thc.texas.gov)

NICHOLE SAUNDERS  
ENVIRONMENTAL DEFENSE FUND  
5400 MUSKET RDG  
AUSTIN, TX 78759  
[nsaunders@edf.org](mailto:nsaunders@edf.org)

DAVID T VILLARREAL PH.D.  
ENVIRONMENTAL QUALITY PROGRAM  
TEXAS DEPARTMENT OF AGRICULTURE  
**INTERAGENCY MAIL**

HEIDI BOJES PH.D.  
TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
**INTERAGENCY MAIL**  
[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)  
**(Bojes gets IHW, MSW, and WQ notices.)**

LESLIE KOZA  
GRANT PROGRAM AND SUPPORT DIVISION  
COASTAL RESOURCES PROGRAM  
TEXAS GENERAL LAND OFFICE  
**INTERAGENCY MAIL**  
[federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov)  
**(KOZA only gets notices with CMP language.)**

MICHAEL BOOTH  
5701 W SLAUGHTER A130-404  
AUSTIN TX 78749

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 3, 2023

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC COOPERATIVE INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

RE: Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC  
Facility Location: ATASCOSA COUNTY  
Permit Number: WQ0002043000  
Customer Reference Number: CN600132278  
Regulated Entity Number: RN100226539  
Type of Authorization: **COMBINED NOTICE OF RECEIPT OF APPLICATION  
AND INTENT TO OBTAIN A WATER QUALITY PERMIT (NORI) AND  
NOTICE OF APPLICATION AND PRELIMINARY DECISION (NAPD) FOR  
TPDES PERMIT FOR MUNICIPAL WASTEWATER MAJOR AMENDMENT**

DEAR MR DAVID BURRIS:

The executive director has declared the above referenced application administratively complete, has completed the technical review, and has prepared a preliminary decision and draft permit.

You are now required to publish notice of your proposed activity and make a copy of all documents available for public review. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavits
- Draft Permit
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices. The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

MR DAVID BURRIS

October 3, 2023

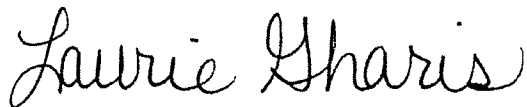
Page 2 of 2

1. Publish the enclosed notice within **30 calendar days** after the date of this cover letter. **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**
2. On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located: (a) a copy of your permit application, including any subsequent revisions; (b) the executive director's preliminary decision as contained in the technical summary and fact sheet; and (c) the draft permit, including any subsequent revisions. These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.
3. For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.
4. Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended, or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,



Laurie Gharis  
Chief Clerk

Enclosures



**INSTRUCTIONS FOR PUBLIC NOTICE  
For Water Quality Permit  
(Renewal/Amendment/New)  
For Combined**

**NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN PERMIT  
AND NOTICE OF APPLICATION AND PRELIMINARY DECISION**

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

**1. REVIEW THE NOTICE FOR ACCURACY**

**Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions.** You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

**2. PUBLISH THE NOTICE IN THE NEWSPAPER**

**You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter.**

For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

**3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

**You must publish notice in an alternative language IF:** either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at [http://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish\\_napd.html](http://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html). If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

#### **4. PUT THE APPLICATION IN A PUBLIC PLACE**

**You must put a copy of the following documents in the public place identified in the enclosed notice:**

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

**5. PROVIDE PROOF OF PUBLICATION**

**For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:**

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

**If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).**

**6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION**

**You must submit a completed Public Notice Verification Form (enclosed), which certifies that the complete application and draft permit were placed at the public place identified in the enclosed notice.**

**7. PROVIDE PROOFS TO TCEQ**

**Email the proof of publication documents to [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov) OR mail the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) within 30 days of publication to:**

TCEQ  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

**Additional Information**

**If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).**

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at [http://www.tceq.texas.gov/agency/cc/cc\\_db.html](http://www.tceq.texas.gov/agency/cc/cc_db.html) or <http://www.tceq.texas.gov/agency/cc/eda.html>. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



**Revised**

**COMBINED**

**NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT AMENDMENT**

**And**

**NOTICE OF APPLICATION AND PRELIMINARY DECISION  
FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER**

**AMENDMENT**

**Permit No. WQ0002043000**

**APPLICATION AND PRELIMINARY DECISION.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, which operates San Miguel Lignite Mine, a surface lignite coal mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 to authorize the expansion of lignite mining activities including: the addition of new mining area X, Y, and Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed Outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater on an intermittent and flow-variable rate. The draft permit authorizes mine pit water, mine depressurization water, and stormwater from ponds in the "active mining area" on an intermittent and flow-variable basis via Outfall 001M-035M and 050M-060M and mine pit water and stormwater from ponds in the "post-mining area" on an intermittent and flow-variable basis via Outfall 001R-035R and 050R-060R. The TCEQ received this application on April 4, 2022.

The facility is located at 6200 Farm-to-Market Road 3387, south of the City of Christine, in Atascosa County, Texas 78012. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of8168250f&marker=-98.476944%2C28.704444&level=12>

The effluent is discharged via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souse Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008,

020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries; and via Outfalls 034-035 to an unnamed ditch, thence to an unnamed tributary; and via Outfall 057 to an unnamed tributary, thence to LaParita Creek; thence all to the Atascosa River in Segment No. 2107 of the Nueces River Basin; via Outfall 050 to Hog Creek, thence to La Jarita Creek; via Outfall 051 to an unnamed tributary, thence to La Jarita Creek; via Outfall 052 to an unnamed ditch, thence to La Jarita Creek; via Outfall 053 to an unnamed tributary; via Outfall 054 to pipe culvert, thence to a ditch, thence to an unnamed tributary; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek in Segment No. 2108 of the Nueces River Basin; and via 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; via Outfall 059 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-1A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Frio River Above Choke Canyon Reservoir in Segment No. 2117 of the Nueces River Basin. The unclassified receiving water uses are minimal aquatic life use for all ditches, Bruce Branch, Far Live Oak Creek, and Bill Walker Creek, and high aquatic life use for Leoncita Creek. The designated uses for Segment No. 2107 and No. 2108 are primary contact recreation, public water supply, and high aquatic life use. The designated uses for Segment No. 2117 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the newly proposed receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review on the newly proposed outfalls and their discharge routes has preliminarily determined that no significant degradation of water quality is expected in Leoncita Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination of the newly proposed outfalls and discharge routes can be reexamined and may be modified if new information is received.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County.

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for public comments, the Executive Director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the Executive Director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/goto/eComment/> within 30 days from the date of newspaper publication of this notice.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at <https://www14.tceq.texas.gov/goto/eCID/>. Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/goto/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation>. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from San Miguel Electric Cooperative, Inc. at the address stated above or by calling Mr. David Burris at 830-784-3411.

Issued: October 3, 2023

TCEQ - Office of the Chief Clerk  
MC-105 Attn: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC  
Permit Number: WQ0002043000 CID Item No. 128230  
COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF  
APPLICATION AND PRELIMINARY DECISION

## **PUBLISHER'S AFFIDAVIT FOR WATER QUALITY PERMITS**

STATE OF TEXAS

COUNTY OF: \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_ ; that this newspaper is a  
*(name of newspaper)*

newspaper of largest circulation in \_\_\_\_\_ County, Texas,  
*(name of county)*

or is a newspaper of general circulation in \_\_\_\_\_, Texas  
*(name of municipality)*

and that the attached notice was published in said newspaper on the following date(s):

\_\_\_\_\_  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,

20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_



TCEQ - Office of the Chief Clerk  
 MC-105 Attn: Notice Team  
 PO Box 13087  
 Austin TX 78711-3087

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC  
 Permit Number: WQ0002043000 CID Item No. 128230  
 COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF  
 APPLICATION AND PRELIMINARY DECISION

## ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF: \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared,

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_ ; that this newspaper is generally  
*(name of newspaper)*

circulated in \_\_\_\_\_ County, Texas and is published primarily in  
*(same county as proposed facility)*

\_\_\_\_\_ language; the attached notice was published in  
*(alternative language)*

said newspaper on the following date(s):

\_\_\_\_\_  
*(date or dates of publication)*

\_\_\_\_\_  
 Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,

20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
 Notary Public in and for the State of Texas

\_\_\_\_\_  
 Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Application and Preliminary Decision**  
**(NAPD)**  
**Water Quality Permit**

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**All applicants must complete this page.**

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC

Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

Water Quality Permit Number: WQ0002043000

Regulated Entity Number: RN100226539 Customer Number: CN600132278

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**PUBLIC VIEWING LOCATION**

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I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: \_\_\_\_\_

Address of Public Place: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Application and Preliminary Decision**  
**(NAPD)**  
**Water Quality Permit**

**Complete this page only if you are required to publish in an alternative language and are not able to do so.**

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC

Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

Water Quality Permit Number: WQ0002043000

Regulated Entity Number: RN100226539 Customer Number: CN600132278

**ALTERNATIVE LANGUAGE EXEMPTION**

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

TYLER RANCH PARTNERS, LTD.  
P.O. BOX 123  
TILDEN, TX 78072

DTB INVESTMENTS LP,  
C/O QUINTEN SCOTT  
28615 IH-10 W  
BOERNE, TX 78006

WYE RANCH, LTD  
P.O. BOX 12632  
SAN ANTONIO, TX 78212

McMULLEN COUNTY  
501 RIVER STREET  
TILDEN, TX

ROGER ELIZONDO  
2502 BROWN AVE  
JOURDANTON, TX 78026

THE PATRICK RAYES FAMILY  
PARTNERSHIP, LTD.  
P.O. BOX 195429  
DALLAS, TX 75219-8607

CLIFTON WHEELER JR  
P.O. BOX 1676  
GEORGE WEST, TX 78022

DONALD HAYNES JR  
P.O. BOX 543  
TILDEN, TX 78072

SAN MIGUEL PLANT  
SAN MIGUEL ELECTRIC COOP., INC  
P.O. BOX 280  
JOURDANTON, TX 78026

MARNIE REYES GARCIA  
P.O. BOX 855  
PLEASANTON, TX 78064

DTB INVESTMENTS LP  
P.O. BOX 2066  
BANDERA, TX 78003

SAN MIGUEL PLANT WATER WELL  
SITES  
SAN MIGUEL ELECTRIC COOP., INC  
P.O. BOX 280  
JOURDANTON, TX 78026

MARGARET STEPHENSON  
P.O. BOX 552  
TILDEN, TX 78072

McMULLEN FOUR K GENERAL  
PARTNERSHIP,  
C/O ALVIN KASSNER  
219 COUNTRYWOOD DR  
SAN ANTONIO, TX 78216

SAN MIGUEL ELECTRIC COOP., INC.  
P.O. BOX 280  
JOURDANTON, TX 78026

WAYDE N. SWAIM  
115 TYLER RANCH ROAD  
JOURDANTON, TX 78023

IDA MAE HERNRY KAISER  
P.O. BOX 246  
JOURDANTON, TX 78026

A.M. PEELER JR.  
100 LA PARITA ROAD  
JOURDANTON, TX 78026

MARCI MAHONEY  
395 CR 328  
JOURDANTON, TX 78026

DORNAK RANCH 1938 LLC  
JEFFREY DALE DORNAK  
14100 AVERY RANCH BLVD #203  
AUSTIN, TX 78717

JASON BYRON PEELER  
3007 FM 539  
FLORESVILLE, TX 78114

JOANN MAHONEY  
665 CR 328  
JOURDANTON, TX 78026

ROBERT F. ADAMS ESTATE  
CLARICE A. DROUGHTON  
4130 GLENSHIRE ST.  
HOUSTON, TX 77025

EOG RESOURCES INC  
P.O. BOX 4362  
HOUSTON, TX 77210-4362

MICHAEL MAHONEY  
P.O. BOX 102  
PLEASANTON, TX 78064

LEIGH J. RICE & MALAINA A.  
JOHNSON  
13 WINDEMERE CT.  
FORT WALTON BEACH, FL 32547

SEVENTY FOUR RANCH  
C/O BENCHMARK AD VALOREM  
P.O. BOX 700925  
SAN ANTONIO, TX 78270

MARK MAHONEY  
8302 CRESCENT KNOLLS DR.  
RICHMOND, TX 77406

DJH RANCHING, LP  
C/O MR. EDWIN H. KNIGHT JR  
712 MAIN ST., STE 1900  
HOUSTON, TX 77002-3220

MFB HOLDINGS MCMULLEN CO.  
600 ROUND ROCK DR. WEST #103  
ROUND ROCK, TX 78681

SU-TIAN RANCH, LTD.  
2009 COUNTISS ROAD  
JOURDANTON, TX 78026

WALT FRANKLIN  
360 FRANKLIN RANCH ROAD  
TILDEN, TX 78072

ROBERT W. ERRINGTON & FATIMA  
RODRIGUEZ ERRINGTON  
P.O. BOX 241  
TILDEN, TX 78072

NANCY WHEELER PLUMLEE  
1232 CR 227  
GIDDINGS, TX 78942

BROCKTON V & CHARLOTTE K  
SCHUPP  
317 SIDNEY BAKER ST S  
KERRVILLE, TX 78028

CAMILA WILSON  
1524 WOLF BEND RD  
GERMANTOWN, TN 35138

BESSILIA G GUERRERO  
P.O. BOX 354  
TILDEN, TX 78072

EDWARDS FRANKLIN RANCH, LLC  
PO. BOX 158  
TILDEN, TX 78072

SHORTY INVESTMENTS, LTD.  
619 HILLSONG  
SAN ANTONIO, TX 78258

ELTA GRACE PENNINGTON  
100 CROSS CREEK RANCH RD  
JOURDANTON, TX 78026

JERALD & BRENDA KOLINECK  
920 TOM ROAD  
FLORESVILLE, TX 78114

BARBARA BACON  
971 OAKWOOD DR  
SAN ANTONIO, TX 78228

GAYLE CRAIN KUYKENDALL &  
TRUSTEE ROBBIE KUYKENDALL  
FAMILY 2012 TRUST  
132 AUBURN PLACE  
SAN ANTONIO, TX 78209

MCTEE L7 RANCH, LTD  
3267 BEE CAVE RD STE 107-81  
AUSTIN, TX 78746-6773

NUSTAR LOGISTICS, LP  
P.O. BOX 780339  
SAN ANTONIO, TX 78278-9914

FRANKLIN SWAIM  
3673 N HWY 16  
JOURDANTON, TX 78026

PRIMITIVE RANCHES, LLC  
P.O. BOX 1001  
WIMBERLY, TX 78676

HENRY & LINDA LEE  
P.O. BOX 200  
TILDEN, TX 78072

WESLEY F & SUE SWAIM FAMILY  
LIMITED PARTNERSHIP  
P.O. BOX 513  
TILDEN, TX 78072

JAIME CATHERINE PENNINGTON  
ALBERT  
P.O. BOX 445  
FALLS CITY, TX 78113

STATE OF TEXAS, GENERAL LAND  
OFFICE  
1700 N. CONGRESS AVE., SUITE  
640  
AUSTIN, TX 78701

MURRAY R SWAIM  
P.O. BOX 100  
TILDEN, TX 78072

JENNIFER MATT-LYNN  
PENNINGTON HOFFERICHTER  
P.O. BOX 301  
JOURDANTON, TX 78026

KATHY F. SMITH  
P.O. BOX 1676  
MARBLE FALLS, TX 78654

LEE F. LIVELY  
P.O. BOX 449  
GIDDINGS, TX 78942

PEGGY STEINLE  
P.O. BOX 93  
JOURDANTON, TX 78026

RODNEY & BOBBIE SWAIM FAMILY  
LIMITED PARTNERSHIP  
151 FRANKLIN RANCH ROAD  
JOURDANTON, TX 78026

4/10 294

DICKE FRANKIE HENRY  
LIFE ESTATE  
P.O. BOX 446  
UVALDE, TX 78802

JAMES A. & NANCY L. MATHEWS  
TRUSTEES OF JAMES & NANCY  
REV. LIVING TRUST  
2002 DELWOOD DR.  
ABILENE, TX 79603

LAURA JANE ELDER & LINDA GAIL  
WEED  
P.O. BOX 1239  
UVALDE, TX 78802

RIVERVIEW ENTERPRISES, LLC  
C/O RODERICK & JOSEPH SAUTER  
34 REDBUD RIDGE PLACE  
SPRING, TX 77830

HERALD MOURSUND  
C/O MRS. C.E. DICKINSON  
1042-B N. EL CAMINO REAL  
ENCINITAS, CA 92024

DORA RUTHERFORD  
P.O. BOX 247  
PLEASANTON, TX 78064

RALPH SAUTER  
960 PONDEROSA DR.  
NEW BRAUNFELS, TX 78132

RUTH TYMRAK  
P.O. BOX 162  
CAMPBELLTON, TX 78008

CHARLOTTE B. WARREN  
179 E. ELMVIEW  
SAN ANTONIO, TX 78212

410394

ARTHUR WAYNE SWAIM  
P O BOX 406  
TILDEN TX 78072

CRAIG FRANKLIN  
P O BOX 253  
TILDEN TX 78072

CLAUDE FRANKLIN RANCH, LTD  
P O BOX 396  
TILDEN TX 78072

MONO'S DREAM LTD  
P O BOX 66  
105 HARROD ST  
OAKVILLE TX 78060

MARJORIE E STEPHENSON  
P O BOX 609  
CHARLOTTE TX 78011

LESLIE ROBB STEPHENSON AS TRUSTEE  
OF THE ROBB STEPHENSON LIFETIME  
TRUST  
1144 FM 3352  
MOORE TX 78057

MARRO LTD  
10020 HUNTERS RUN  
COLLEGE STATION TX 77845

ROBERT HOWARD MOSIER  
10020 HUNTERS RUN  
COLLEGE STATION TX 77845

BRENDA MOSIER DUERER  
3458 COUNTY ROAD 707  
KOSSE TX 76653

LINDA KAY MANLEY  
7902 FM 979  
CAMERON TX 76520

CHESTER W MOSIER  
16534 COUNTY RD 164  
IOLA TX 77861

MARY CATHERINE KESSLER  
P O BOX 543  
TILDEN TX 78072

JUSTIN ALONZO PEELER/AM  
PEELER JR & BARBARA GENE  
PEELER  
A M PEELER RANCH LLC  
100 LA PARITA ROAD

BILLY WAYNE KAISER JR  
P O BOX 40  
JOURDANTON TX 78026

CAT HIL ARROW S LLC  
1000 LOUISIANA STE 7000  
HOUSTON TX 77002

JUSTIN ALONZO PEELER  
100 LA PARITA ROAD  
JOURDANTON TX 78026

1654





CITY OF CHRISTINE  
HEALTH OFFICIAL  
PO BOX 238  
CHRISTINE TX 78012-0238

CITY OF CHRISTINE  
MAYOR  
PO BOX 238  
CHRISTINE TX 78012-0238

*city*

RESOURCE RECOV MANGR  
ALAMO AREA COUNCIL OF GOVERNME  
8700 TESORO DR STE 160  
SAN ANTONIO TX 78217-6221

ATASCOSA COUNTY HEALTH DEPT  
101 COURTHOUSE CIRCLE DR  
JOURDANTON TX 78026

ATASCOSA COUNTY JUDGE  
1 COURTHOUSE CIRCLE DR STE 101  
JOURDANTON TX 78026-3446

CITY OF CORPUS CHRISTI  
WATER DIVISION  
PO BOX 9277  
CORPUS CHRISTI TX 78469-9277

COASTAL BEND COUNCIL OF GOVERN  
PO BOX 9909  
CORPUS CHRISTI TX 78469-9909

MCMULLEN COUNTY JUDGE  
COUNTY COURTHOUSE  
PO BOX 237  
TILDEN TX 78072-0237

NUECES RIVER AUTHORITY  
539 CRYSTAL CITY HWY  
UVALDE TX 78801-6127

GENERAL MANAGER  
SAN ANTONIO RIVER AUTHORITY  
100 E GUENTHER  
SAN ANTONIO TX 78204-1401

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

PUBLIC HEALTH REGION 8  
TEXAS DEPARTMENT OF STATE HEAL  
7430 LOUIS PASTEUR DR  
SAN ANTONIO TX 78229-4507

US ARMY CORPS OF ENGINEERS  
2000 FORT POINT RD  
GALVESTON TX 77550-3211

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

US ARMY CORPS OF ENGINEERS REG  
CESWS-PER-R  
PO BOX 17300  
FORT WORTH TX 76102-0300

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
4444 CORONA DR STE 215  
CORPUS CHRISTI TX 78411-4300

RUSSELL LABUS MANAGER  
EVERGREEN UNDERGROUND WATER CO  
110 WYOMING BLVD  
PLEASANTON TX 78064-4463

LONNIE STEWART MANAGER  
MCMULLEN GROUNDWATER CONSERVAT  
PO BOX 232  
TILDEN TX 78072-0232

*County*

MARCIE ALEXANDER  
ENVIRONMENTAL INTEGRITY PROJECT  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

DEVIN D BENSON  
BENSON & JONES PLLC  
STE 550  
745 E MULBERRY AVE  
SAN ANTONIO TX 78212-3163

BRENT A ELLIOTT DIRECTOR  
RAILROAD COMMISSION OF TEXAS  
PO BOX 12967  
AUSTIN TX 78711-2967

DUBELZA GALVAN  
LLOYD GOSSELINK  
STE 1900  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

LEONARD G GARCIA  
2705 LONG LASSO PASS  
LEANDER TX 78641-3425

LEONARD G GARCIA  
10105 GRAND OAK DR  
AUSTIN TX 78750-3806

SCOTT R HALTY  
SAN ANTONIO WATER SYSTEM  
PO BOX 2449  
SAN ANTONIO TX 78298-2449

AMY A HESSELTINE PE  
LNV ENGINEERING  
STE 300  
801 NAVIGATION BLVD  
CORPUS CHRISTI TX 78408-2600

LAUREN ICE  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

GWYNETH LONERGAN  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

MR & MRS MARK MUND  
852 CUT OFF RD  
FREDERICKSBURG TX 78624-6450

MARISA PERALES ATTORNEY  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

KEVIN REESE WATER QUALITY SPECIALIST  
NUECES RIVER AUTHORITY  
602 N STAPLES ST STE 280  
CORPUS CHRISTI TX 78401-1015

LOUIS T ROSENBERG  
LAW OFFICE OF LOUIS T ROSENBERG PC  
1024 C ST  
FLORESVILLE TX 78114-2224

MR & MRS BOB ULRICH  
1873 BRONDER RD  
PLEASANTON TX 78064-6771

NATHAN E VASSAR  
LLOYD GOSSELINK ROCHELLE & TOWNSEI  
STE 1900  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

APPLICANT NAME: SAN MIGUEL  
ELECTRIC COOPERATIVE INC  
PERMIT NO.: WQ0002043000  
CCO#: 128230  
NOTICE OF APPLICATION AND  
PRELIMINARY DECISION

**PUBLISHER'S AFFIDAVIT  
FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS  
OTHER THAN RENEWALS**

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

STATE OF TEXAS §

COUNTY OF Atascosa §

Before me, the undersigned authority, on this day personally appeared  
Noel Willkerson Holmes, who being by me duly  
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Publisher  
(title of person representing newspaper)

of the Pleasanton Express; that this newspaper is  
(name of newspaper)

regularly published or circulated in Atascosa and McMullen County/Counties, Texas,  
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

October 20, 2022  
(date or dates, of publication in the newspaper)

[Signature]  
Newspaper Representative's Signature

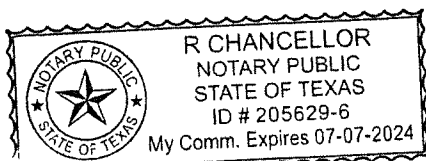
Subscribed and sworn to before me this the 10 day of November,  
2022, to certify which witness my hand and seal of office.

(Seal)

R Chancellor  
Notary Public in and for the State of Texas

R Chancellor  
Print or Type Name of Notary Public

My Commission Expires July 7, 2024



## Citizens receive scam calls from ACSO

Multiple citizens have reported that they've received calls from a number that appeared to come from the Atascosa County Sheriff's Office. Sheriff David Soward said an app is used to change the caller ID and urges citizens to hang up when you receive these calls and contact the CSO at 830-769-3434. "No law enforcement

agency is going to call anybody on the phone and [threaten jail time]," Soward said. "If it's anything like that, it's a scam. Don't fall for it. Hang up. Report it. But whatever you do, don't believe those stories. They're going to change them up. They're going to make them sound legitimate. They may use the name of somebody

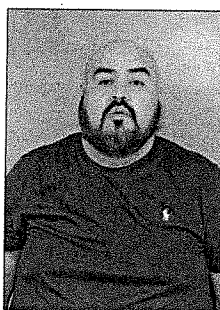
that actually works for us. The caller ID may have our number, but it's all fake."

Soward added that the calls have included a variety of scenarios including requests for paying off warrants in the form of gift cards and other payments.

## PD charges one in alleged human smuggling

During a Sunday night traffic stop, Jourdan Police Department Officer Derek Garcia pulled over a Ford F-150 containing four undocumented immigrants. The driver, Irvin, a Mexican citizen without a valid American

visa, was arrested and charged with three counts of Human Smuggling and booked into the Atascosa County Jail. One individual fled the scene and was not located. The other individuals were turned over to Border Patrol.



Irvin Silva

NOTICE OF APPLICATION AND PRELIMINARY DECISION  
FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER  
AMENDMENT  
Permit No. WQ0002043000

Permit No. WQ0002043600

**APPLICATION AND PRELIMINARY DECISION.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanville, Texas 8026, which operates San Miguel Lignite Mine, a surface lignite coal mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) for the expansion of Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0002043000 to authorize the expansion of lignite mining activities including the addition of the additional Y, Z, and Z-1; the addition of five proposed treatment ponds (X-1, X-2, X-3, Z-1, Z-2, and Z-3); the addition of five proposed outfall canals (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed outfall 057; each of which will discharge mine pit water, mine dewaterization water, and stormwater to intermediate flow variable basins. The permit authorizes mine pit water, mine dewaterization water, and stormwater from ponds in the "active mining area" on an intermittent basis via Outfall 001M-035M and 050M-060M to discharge mine pit water and stormwater from ponds in the "post-mining area" on an intermittent and flow-variable basis via Outfall 01R-035R and 050R-060R. The TCEQ received this application on April 4, 2022.

is link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://esg.maps.arcgis.com/apps/webappviewer/index.html?id=5bae4418fc468bbdd1360f8168250f8&marker=-98.47629444&v=2&C=78.704444&v=12>

buty, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-013 to unnamed tributaries, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 014-016 to unnamed tributaries, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 017-018 to unnamed tributaries, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 019-021 to unnamed tributaries, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 022-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries, and via Outfalls 034-035 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 036 to an unnamed tributary, thence to La Parita Creek; via Outfall 037 to an unnamed tributary, thence to La Parita Creek; via Outfall 038 to an unnamed tributary, thence to La Parita Creek; via Outfall 039 to an unnamed tributary, thence to La Parita Creek; via Outfall 040 to an unnamed tributary, thence to La Parita Creek; via Outfall 041 to an unnamed tributary, thence to La Parita Creek; via Outfall 042 to an unnamed tributary, thence to La Parita Creek; via Outfall 043 to an unnamed tributary, thence to La Parita Creek; via Outfall 044 to an unnamed tributary, thence to La Parita Creek; via Outfall 045 to an unnamed tributary, thence to La Parita Creek; via Outfall 046 to an unnamed tributary, thence to La Parita Creek; via Outfall 047 to an unnamed tributary, thence to La Parita Creek; via Outfall 048 to an unnamed tributary, thence to La Parita Creek; via Outfall 049 to an unnamed tributary, thence to La Parita Creek; via Outfall 050 to Hog Creek, thence to La Jarica Creek; via Outfall 051 to an unnamed tributary, thence to La Jarica Creek; via Outfall 052 to an unnamed tributary, thence to La Jarica Creek; via Outfall 053 to an unnamed tributary, thence to La Jarica Creek; via Outfall 054 to pipe culvert, thence to a ditch, thence to La Jarica Creek; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek in Segment No. 2108 the Nueces River Basin; and via 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek, via Outfall 9 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-1A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Rio Abasco Above Choke Canyon Reservoir in Segment No. 2117 of the Nueces River Basin.

(c) Unclassified riparian habitat includes the following:

i. Riparian habitat having high aquatic life use for all ditches, Bruce Branch, Far Live Oak Creek, and Bill Walker Creek, and high aquatic life use for Leoncita Creek in Segment No. 2107 and No. 2108 are primary contact recreation, public water supply, and high aquatic life use. The designated for Segment No. 2117 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Effect Water Quality Standards, an antidegradation review of the newly proposed receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. A second narrative criteria to protect existing uses will be maintained. A Tier 2 review on the newly proposed outfalls 1, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination of the newly proposed outfalls and discharge routes can be reexamined and may be modified if new information received.

TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Atascosa County Courthouse, 400 South Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McCullen County Courthouse, 501 River Street, Tilden, Texas in McCullen County.

**TERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**BPLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this location. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the Executive Director determines that there is significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for public comments, the Executive Director considers the comments and prepares a response to all relevant and material, or significant public comments. The response to comments, along with the Executive Director's response to the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

REQUEST: your name, address, phone number applicant's name and proposed permit number; the location and date of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit are relevant to the proposed facility; and the name and address of the person who filed the request. If the request for contested case hearing is filed on behalf of a group or association, the request must describe the group, its purpose, and the following information: correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's interests in the proposed facility or activity; and explain how the proposed facility or activity would affect the member would be affected and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any

# MOM

CONTINUED FROM PAGE 1A

from 6:30-8:30 p.m. and a night dance with music performed by the Drew Brown band from 9-10:30 p.m. See story on page 1B for details about how to enter the talent show.

Saturday will follow up with the Kid Zone, which offers multiple bounce houses and unlimited carnival rides for just \$5. After the bike parade at noon, entertainment will be provided by a mariachi band and the Grammy-nominated and Tejano chart topper Jaime De Anda as well as Los Garcia Bros. David Farias will headline the event from 10:30 p.m.-midnight. The fireworks show will begin at 7:15 p.m.

Currently, Merry on Main is seeking vendors.

sponsors, and registrations for this year's festival. Deadline to sign up as a vendor is Nov. 18. Events to sign up for include Lighted Christmas Parade, Merry on Main Talent Show, Little Miss Merry on Main Pageant, Lighted Tree Trail, food trucks, vendors, sponsorships and volunteers. Please visit the Merry on Main website for forms, registration and information at [merryon-main.org/](http://merryon-main.org/).

To sign up for the parade, go to [merryonmain.org](http://merryonmain.org) or email [tcuevas@pleasantontx.org](mailto:tcuevas@pleasantontx.org)

Forms are also available at the Pleasanton Civic Center. Lineup starts at 4 p.m., followed by judging at 5 p.m. and the official parade begins at 6:30 p.m.

**Talent Show**  
Merry on Main is officially accepting audition videos for this year's

Merry on Main Show. Showcase talent and submit a two-minute video to [center@pleasurepalace.com](mailto:center@pleasurepalace.com) with your name and contact information. All entries considered.

Winter W  
Lighted T

One of the most beautiful and spectacular displays of Merry-go-rounds in the Winter Wonderland is the Lighted Tree. The tree is located on Pleasanton River and is sponsored by the city of Pleasanton. It is a year over 100 years old and is a nonprofit organization. You can register for this year's Lighted Tree Trail, please visit [merrygo-roundmain.com](http://www.merrygo-roundmain.com). 830-569-5904 for more details.

Follow the **Main Facebook** updates and find out what's new. Let's get **Main** together!

**www.pleasantonexpress.com**

AVISO DE SOLICITUD Y DECISIÓN PRELIMINAR  
PARA EL PERMISO TPDES PARA AGUAS RESIDUALES  
ENMIENDA  
PERMISO NO. WO0002043000

PERMISO NO. WO0002043000

**SOLICITUD Y DECISIÓN PRELIMINAR.** Cooperativa Eléctrica San Miguel, Inc., P.O. Box 280, Jourdanton, Texas San Miguel Llanos Mining, una operación de minería de carbón de lignito de superficie, ha solicitado a la Comisión Ambiental de Texas (TCEQ) una emienda al Permiso No. WQ00024-3000 para autorizar la explotación de extracción de lignito, lo que incluye la adición de nuevas áreas de extracción X, Y y Z; la modificación del plan de manejo de aguas superficiales; la adición de nuevas ubicaciones de emisarios propuestas (O5's, O56, una revisión del área minera I-H-I, la adición del estanque de tratamiento propuesto O7 y la adición del emisario O5); uno de ellos descargará agua de tajo de mina, agua de despresurización de mina y aguas pluviales en una tasa intermitente. El borrador del permiso autoriza el agua del pozo de la mina, el agua de despresurización de la mina y las aguas estancadas en el "C" como un sistema de almacenamiento y flujo variable a través del emisario 001R-O35M y el agua del pozo de la mina y el agua estancada de los estanques "C" y "D" como un sistema intermitente y a través del Emisario 001Z-R35Y y O50R-O60R. La TCEQ recibió esta solicitud el 19 de febrero del 2002.

La instalación está ubicada en 6200 Farm-to-Market Road 3387, al sur de la ciudad de Christine, en el condado de 78012. Este enlace a un mapa electrónico del sitio o la ubicación general de la instalación se proporciona como cortesía de la solicitud o notificación. Para conocer la ubicación exacta, consulte la aplicación.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac4a4fbc468bddd3608168298476944452C28.704444&level=1>

El La Parita Creek se descarga a través de los desagües 001-006 a un afluyente sin nombre, de allí a Caballos Creek, de allí al La Parita Creek; a través del Emisario 007 a un afluyente sin nombre, de allí a La Parita Creek; a través del Emisario sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través del Emisario sin nombre, de allí a La Parita Creek; vía Emisarios 008, 020-023 a un afluyente sin nombre, de allí a Metate Creek; a través de Outfalls 024-028 a un afluyente sin nombre, de allí a Souse Creek, de allí a La Parita Creek; vía Emisario sin nombre, de allí a Metate Creek, de allí a La Parita Creek; vía Emisario 031 a un afluyente sin nombre, de allí a La Parita Creek; a través de Outfalls 032-033 a afluentes sin nombre; y vía Outfalls 034-035 a una zona de Atascosa en el Tramo No. 2107. A través del Emisario 057 a un afluyente sin nombre, de allí a La Parita Creek de donde se deriva el Emisario 059 a Hog Creek, de allí a La Parita Creek. El Emisario 051 a un afluyente sin nombre, de allí al arroyo La Jarita. El Emisario 053 a un afluyente sin nombre; a través del Emisario 054 a La Ocalearilla, de allí a unazanja, de allí a un afluyente sin nombre; vía Emisario 055 a Bruce Branch; a través del Emisario 056 hasta Far Live Oak Creek; de allí todo al Ar en el Tramo No. 2108 de la Cuenca del Rio Nueces; y vía 058 a Ditch CD Z-2A, de allí a Bill Walker Creek, de allí a la zona de recreación de El Embalse Rio Frio Arriba Choke Canyon en el Tramo No. 2107 de la Cuenca del Rio Nueces. Los usos de esta zona de recreación son: recreación de contacto primario, suministro público de agua y alto uso de vida acuática para todas laszanjas, Bruce Branch y Bill Walker Creek, y alto uso de vida acuática para Leoncota Creek. Los usos designados para esta zona de recreación son: recreación de contacto primario, suministro público de agua, protección de acuíferos y alto uso de vida acuática. Los usos designados para la zona de recreación de contacto primario, suministro público de agua, protección de acuíferos y alto uso de vida acuática son: recreación de contacto primario, suministro público de agua, protección de acuíferos y alto uso de vida acuática.

De acuerdo con el Código Administrativo de Texas 30 §307.5 y los procedimientos de implementación de la TCEQ para los Estándares de Calidad del Agua superficial de Texas, se realizó una revisión antidegradación de las aguas y las propuestas. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la zona de estudio no serán afectados por esta acción de permiso. Se mantendrán los usos agrícolas y recreativos, proteger los usos agrícolas y recreativos, y se mantendrán los usos agrícolas y recreativos. Una revisión de Nivel 2 sobre los emisarios recientemente propuestos y sus zonas de descarga ha determinado que se espera una degradación significativa de la calidad del agua en el arroyo Leoncita, que ha sido identificado como de acuática. Los usos existentes se mantendrán y protegerán. La determinación preliminar de los nuevos emisarios y los propuestos se puede reexaminar y se puede modificar si se recibe nueva información.

El director ejecutivo de la TLECQ completó la revisión técnica de la solicitud y preparó un borrador del permiso. Sin embargo, si se aprueba, establecerá las condiciones bajo las cuales debe operar la instalación. El director ejecutivo tomó la decisión preliminar de que este permiso, si se emite, cumplirá con todos los requisitos legales y reglamentarios. La solicitud de la decisión preliminar del director ejecutivo al borrador del permiso está disponible para ver y copiar en la Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdan, Texas en el Condado de Atascosa y en el McMullen County Courthouse, 501 River Street, Tilden, Texas en el condado de McMullen.

**AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en: <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>. El aviso de idioma alternativo en español está disponible en: <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

**COMENTARIO PÚBLICO / REUNIÓN PÚBLICA.** Puede enviar comentarios públicos o solicitar una reunión pública. El propósito de una reunión pública es brindar la oportunidad de enviar comentarios escritos u orales sobre la solicitud. Generalmente, la TCEQ llevará a cabo una reunión pública si el Director Ejecutivo determina que un comentario de interés público en la solicitud o si lo solicita un legislador local. Una reunión pública no es una audiencia.

**OPORTUNIDAD PARA UNA AUDIENCIA DE CASO IMPUGNADO.** Después de la fecha límite para los comentarios, el Director Ejecutivo considerará los comentarios y preparará una respuesta a todos los comentarios públicos relevantes, si significativos. La respuesta a los comentarios, junto con la decisión del Director Ejecutivo sobre la solicitud, se envía a todos los que enviaron comentarios públicos o solicitaron estar en una lista de correo para esta solicitud. Si se recibe el correo también proporcionará instrucciones para solicitar una audiencia de caso impugnado o una reconsideración del Director Ejecutivo. Una audiencia de caso impugnado es un procedimiento legal similar a un juicio civil en un día de juicio.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, DEBE INCLUIR LOS SIGUIENTES DATOS EN SU SOLICITUD: su nombre, dirección, número de teléfono; nombre del solicitante y número de permiso por dirección y distancia de su propiedad/actividades en relación con la instalación propuesta; una descripción específica de cómo se vería afectado negativamente por la instalación de una manera que no es común para el público en general; y la declaración ("Yo/nosotros somos una audiencia de caso impugnado"). Si la solicitud de audiencia de caso impugnado se presenta en nombre de una asociación, la solicitud debe designar al representante del grupo para recibir correspondencia futura; identificar la dirección física a un miembro individual del grupo que se vería afectado negativamente por la instalación o el permiso; proporcionar la información discutida anteriormente con respecto a la ubicación del miembro afectado; proporcionar la información de contacto de un miembro que se vería afectado; y explicar cómo los intereses de la asociación protegen los relevantes para el propósito del grupo.





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Application and Preliminary Decision  
(NAPD)  
Water Quality Permit

All applicants must complete this page.

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC

Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

Water Quality Permit Number: WQ0002043000

Regulated Entity Number: RN100226539 Customer Number: CN600132278

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: Atascosa Co. Courthouse, Office of the County Clerk

Address of Public Place: 1 Courthouse Circle Dr., Ste. 102, Jourdanton, TX 78026

Applicant or Applicant Representative Signature: Nellie Friesbee

Title: Permit Specialist

Date: 11/16/2022

TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
NOV 22 AM 9:40  
CLERKS OFFICE



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
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Name of Public Place: McMullen Co. Courthouse, Office of the County Clerk

Address of Public Place: 501 River Street, Tilden, TX 78072

Applicant or Applicant Representative Signature: \_\_\_\_\_

Nellie Trisler

Title: Permit Specialist

Date: 11/16/2022



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
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Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

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Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

Water Quality Permit Number: WQ0002043000

Regulated Entity Number: RN100226539 Customer Number: CN600132278

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☒ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

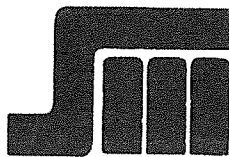
Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: Nellie Trisbee

Title: Permit Specialist Date: 11/16/2022



**SAN MIGUEL ELECTRIC COOPERATIVE, INC.**

November 17, 2022

Via Certified Mail No.: 7019 1120 0001 3588 8990

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

**RE: Proof of Publication****Applicant Name: San Miguel Electric Cooperative, Inc. (CN600132278)****Permit No.: WQ0002043000 (EPA I.D. No. TX0083445)****Site Name: San Miguel Lignite Mine (RN100226539)****Type of Application: Major Amendment**

Dear Notice Team:

Enclosed is a completed Publisher's Affidavit and tear sheet from the publication of the public notice for the above referenced major amendment to the water quality permit for the San Miguel Lignite Mine. Also, you will find a completed Form TCEQ-20244, Page 1 and 2 for the County Clerks' offices in Atascosa and McMullen Counties. The application, all revisions, the executive director's preliminary decision and draft permit have been placed in the Clerk's office for both of these counties. A completed Form TCEQ-20244, Page 2 and 2 is also included.

If you have questions, please contact me at 830.784.3411, ext. 203.

Thank you,

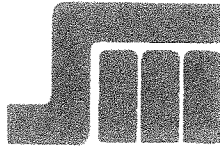
Nellie Frisbee  
Permit Specialist

Enclosures

Via Email:

James Miertschin, James Miertschin & Assoc., Inc.  
Lisa Kost, Jackson Walker LLP  
Dave Burris, SMECI

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 NOV 22 AM 9:39  
CHIEF CLERKS OFFICE



**SAN MIGUEL ELECTRIC COOPERATIVE, INC.**

November 17, 2022

Via Certified Mail No.: 7019 1120 0001 3588 8990

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

**RE: Proof of Publication**

**Applicant Name: San Miguel Electric Cooperative, Inc. (CN600132278)**

**Permit No.: WQ0002043000 (EPA I.D. No. TX0083445)**

**Site Name: San Miguel Lignite Mine (RN100226539)**

**Type of Application: Major Amendment**

Dear Notice Team:

Enclosed is a completed Publisher's Affidavit and tear sheet from the publication of the public notice for the above referenced major amendment to the water quality permit for the San Miguel Lignite Mine. Also, you will find a completed Form TCEQ-20244, Page 1 and 2 for the County Clerks' offices in Atascosa and McMullen Counties. The application, all revisions, the executive director's preliminary decision and draft permit have been placed in the Clerk's office for both of these counties. A completed Form TCEQ-20244, Page 2 and 2 is also included.

If you have questions, please contact me at 830.784.3411, ext. 203.

Thank you,

Nellie Frisbee  
Permit Specialist

Enclosures

Via Email:

James Miertschin, James Miertschin & Assoc., Inc.  
Lisa Kost, Jackson Walker LLP  
Dave Burris, SMECI

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

APPLICANT NAME: SAN MIGUEL  
ELECTRIC COOPERATIVE INC  
PERMIT NO.: WQ0002043000  
CCO#: 128230  
NOTICE OF APPLICATION AND  
PRELIMINARY DECISION

**PUBLISHER'S AFFIDAVIT  
FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS  
OTHER THAN RENEWALS**

STATE OF TEXAS §

COUNTY OF Alascos §

Before me, the undersigned authority, on this day personally appeared

Noel Willkerson Holmes, who being by me duly  
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Publisher  
(title of person representing newspaper)

of the Pleasanton Express; that this newspaper is  
(name of newspaper)

regularly published or circulated in Alascos and McMullen County/Countries, Texas,  
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

October 20, 2022  
(date or dates, of publication in the newspaper)

*[Signature]*

\_\_\_\_\_  
Newspaper Representative's Signature

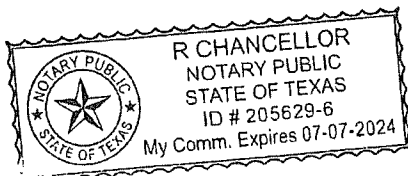
Subscribed and sworn to before me this the 10 day of November,  
2022, to certify which witness my hand and seal of office.

(Seal)

R Chancellor  
Notary Public in and for the State of Texas

R Chancellor  
Print or Type Name of Notary Public

My Commission Expires July 7, 2024







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Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

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Address of Public Place: 1 Courthouse Circle, D.C., Ste. 102, Jourdanton, TX  
78026

Applicant or Applicant Representative Signature: Nellie Friesbee

Title: Permit Specialist Date: 11/16/2022



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Applicant or Applicant Representative Signature: Nellie Trisler

Title: Permit Specialist

Date: 11/16/2022



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Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: Nellie Trisbee

Title: Permit Specialist Date: 11/16/2020

**Brad Patterson**

---

**From:** Frisbee, Nellie <nfrisbee@smeci.net>  
**Sent:** Thursday, November 17, 2022 1:23 PM  
**To:** PROOFS  
**Cc:** Thomas Starr; 'James Miertschin'; 'Abazari, Ali'; 'Kost, Lisa R.'  
**Subject:** WQ0002043000, San Miguel Electric Cooperative, Inc.  
**Attachments:** SM WQ0002043000 Proof of 2nd Publication.pdf

Attached is a scan of the proof of publication for the second public notice for the above referenced permit renewal that was mailed, via certified mail, to your office today. Please let me know if you have any questions.

Thank you,

*Nellie Frisbee*

Permitting Specialist



**SAN MIGUEL  
ELECTRIC COOPERATIVE  
INCORPORATED**

P.O. Box 280  
Jourdanton, TX 78026  
Office: 830.784.3411 Ext: 203  
Cell: 903.388.5023  
Email: [nfrisbee@smeci.net](mailto:nfrisbee@smeci.net)



## WQ STANDARD MAIL LIST

**APPLICANT:****MR DAVID BURRIS****SAN MIGUEL ELECTRIC COOPERATIVE  
INC****PO BOX 280****JOURDANTON, TX 78026-0280****Other Applicant Representatives:****MR DAVID BURRIS****SAN MIGUEL ELECTRIC  
COOPERATIVE INC****PO BOX 280****JOURDANTON, TX 78026-0280****MR DAVID BURRIS****SAN MIGUEL ELECTRIC  
COOPERATIVE INC****PO BOX 280****JOURDANTON, TX 78026-0280****PERMIT #: WQ0002043000****BASIN:****REGION: 13****COUNTY: ATASCOSA****PERMITTEE:****SAN MIGUEL ELECTRIC COOPERATIVE INC****TO BE PUBLISHED BY:****MR DAVID BURRIS****DATE NOTICE MAILED: 10/13/2022****CCO #: 128230****NOTICE TECH INITIALS: KANDERSO****EVELYN ROSBOROUGH****USEPA REGION 6****1445 ROSS AVE STE 1200****MAIL CODE 6WQ****DALLAS TX 75202-2733**[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)**(Rosborough only gets notices with TPDES language.)****CYRUS REED PHD****LONE STAR CHAPTER SIERRA CLUB****PO BOX 4998****AUSTIN TX 78765**[cyrus.reed@sierraclub.org](mailto:cyrus.reed@sierraclub.org)**MYRON J HESS****1705 MARGARET ST****AUSTIN TX 78704**[myrona@myronjhess.com](mailto:myrona@myronjhess.com)**AMANDA FULLER****NATIONAL WILDLIFE FEDERATION****505 E HUNTLAND DR STE 485****AUSTIN TX 78752**[fullera@nwf.org](mailto:fullera@nwf.org)**ANNE ROGERS****COASTAL FISHERIES DIVISION – FPP****TEXAS PARKS AND WILDLIFE****INTERAGENCY MAIL**[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)**SARA THORNTON****LLOYD GOSSELINK ROCHELLE & TOWNSEND****816 CONGRESS AVE STE 1900****AUSTIN TX 78701**[sthorntona@lawfirm.com](mailto:sthorntona@lawfirm.com)**RAILROAD COMMISSION OF TEXAS****TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT****INTERAGENCY MAIL****DONNA MCCARVER****ARCHEOLOGY DIVISION****TEXAS HISTORICAL COMMISSION****INTERAGENCY MAIL**[donna.mccarver@the.texas.gov](mailto:donna.mccarver@the.texas.gov)**NICHOLE SAUNDERS****ENVIRONMENTAL DEFENSE FUND****5400 MUSKET RDG****AUSTIN, TX 78759**[nsaunders@edf.org](mailto:nsaunders@edf.org)**DAVID T VILLARREAL PH.D.****ENVIRONMENTAL QUALITY PROGRAM****TEXAS DEPARTMENT OF AGRICULTURE****INTERAGENCY MAIL****HEIDI BOJES PH.D.****TEXAS DEPARTMENT OF STATE HEALTH SERVICES****INTERAGENCY MAIL**[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)**(Bojes gets IHW, MSW, and WQ notices.)****TONY WILLIAMS****GRANT PROGRAM AND SUPPORT DIVISION****COASTAL RESOURCES PROGRAM****TEXAS GENERAL LAND OFFICE****INTERAGENCY MAIL**[federal.consistency@tlo.texas.gov](mailto:federal.consistency@tlo.texas.gov)**(WILLIAMS only gets notices with CMP language.)****MICHAEL BOOTH****5701 W SLAUGHTER A130-404****AUSTIN TX 78749**

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 13, 2022

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC COOPERATIVE INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

RE: Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC  
Facility Location: Atascosa County  
Permit Number: WQ0002043000  
Customer Reference Number: CN600132278  
Regulated Entity Number: RN100226539  
Type of Authorization: MAJOR AMENDMENT

DEAR MR BURRIS :

The executive director has completed the technical review of the above referenced application and has prepared a preliminary decision and draft permit.

You are now required to publish another notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavit
- Draft Permit
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

printed on recycled paper

MR DAVID BURRIS

October 13, 2022

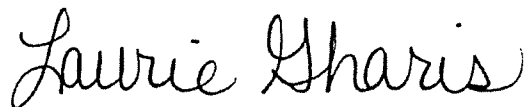
Page 2 of 2

- You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter. **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**
- On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located: (a) a copy of your permit application, including any subsequent revisions; (b) the executive director's preliminary decision as contained in the technical summary and fact sheet; and (c) the draft permit, including any subsequent revisions. These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.
- For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.
- Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,



Laurie Gharis  
Chief Clerk

Enclosures (3)

# **Texas Commission on Environmental Quality**

## **Instructions for Public Notice for a Water Quality Permit**

### **Notice of Application and Preliminary Decision (NAPD)**

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

#### **1. REVIEW THE NOTICE FOR ACCURACY**

**Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions.** You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

#### **2. PUBLISH THE NOTICE IN THE NEWSPAPER**

**You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter.**

For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

#### **3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

**You must publish notice in an alternative language IF:** either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at [www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish\\_napd.html](http://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html). If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

#### **4. PUT THE APPLICATION IN A PUBLIC PLACE**

**You must put a copy of the following documents in the public place identified in the enclosed notice:**

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

#### **5. PROVIDE PROOF OF PUBLICATION**

**For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:**

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

#### **6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION**

You must submit a completed Public Notice Verification Form (enclosed), which certifies that the complete application and draft permit were placed at the public place identified in the enclosed notice.

#### **7. SUBMIT PROOFS TO TCEQ**

Scan and email the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) within 30 days of publication to [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov);

Or Mail to:

TCEQ  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **Additional Information**

If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at [www.tceq.texas.gov/agency/decisions/cc/cc\\_db.html](http://www.tceq.texas.gov/agency/decisions/cc/cc_db.html) or [www.tceq.texas.gov/agency/decisions/cc/eda.html](http://www.tceq.texas.gov/agency/decisions/cc/eda.html). Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

### AMENDMENT

**Permit No. WQ0002043000**

**APPLICATION AND PRELIMINARY DECISION.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, which operates San Miguel Lignite Mine, a surface lignite coal mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 to authorize the expansion of lignite mining activities including: the addition of new mining area X, Y, and Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed Outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater on an intermittent and flow-variable rate. The draft permit authorizes mine pit water, mine depressurization water, and stormwater from ponds in the "active mining area" on an intermittent and flow-variable basis via Outfall 001M-035M and 050M-060M and mine pit water and stormwater from ponds in the "post-mining area" on an intermittent and flow-variable basis via Outfall 001R-035R and 050R-060R. The TCEQ received this application on April 4, 2022.

The facility is located at 6200 Farm-to-Market Road 3387, south of the City of Christine, in Atascosa County, Texas 78012. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.476944%2C28.704444&level=12>

The effluent is discharged via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souse Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008, 020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries; and via Outfalls 034-035 to an unnamed ditch, thence

to an unnamed tributary; and via Outfall 057 to an unnamed tributary, thence to LaParita Creek; thence all to the Atascosa River in Segment No. 2107 of the Nueces River Basin; via Outfall 050 to Hog Creek, thence to La Jarita Creek; via Outfall 051 to an unnamed tributary, thence to La Jarita Creek; via Outfall 052 to an unnamed ditch, thence to La Jarita Creek; via Outfall 053 to an unnamed tributary; via Outfall 054 to pipe culvert, thence to a ditch, thence to an unnamed tributary; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek in Segment No. 2108 of the Nueces River Basin; and via 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; via Outfall 059 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-1A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Frio River Above Choke Canyon Reservoir in Segment No. 2117 of the Nueces River Basin. The unclassified receiving water uses are minimal aquatic life use for all ditches, Bruce Branch, Far Live Oak Creek, and Bill Walker Creek, and high aquatic life use for Leoncita Creek. The designated uses for Segment No. 2107 and No. 2108 are primary contact recreation, public water supply, and high aquatic life use. The designated uses for Segment No. 2117 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the newly proposed receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review on the newly proposed outfalls and their discharge routes has preliminarily determined that no significant degradation of water quality is expected in Leoncita Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination of the newly proposed outfalls and discharge routes can be reexamined and may be modified if new information is received.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County.

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.



**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for public comments, the Executive Director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the Executive Director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) within 30 days from the date of newspaper publication of this notice.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from San Miguel Electric Cooperative, Inc. at the address stated above or by calling Mr. David Burris at 830-784-3411.

Issued: October 13, 2022

# Comisión de Calidad Ambiental de Texas



## AVISO DE SOLICITUD Y DECISIÓN PRELIMINAR PARA EL PERMISO TPDES PARA AGUAS RESIDUALES

### ENMIENDA

#### PERMISO NO. WQ0002043000

**SOLICITUD Y DECISIÓN PRELIMINAR.** Cooperativa Eléctrica San Miguel, Inc., P.O. Box 280, Jourdanton, Texas 78026, que opera San Miguel Lignite Mine, una operación de minería de carbón de lignito de superficie, ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) una enmienda importante al Permiso No. WQ0002043000 para autorizar la expansión de las actividades de extracción de lignito, lo que incluye: la adición de nuevas áreas de extracción X, Y y Z; la adición de cinco estanques de tratamiento propuestos (X-1, X-2, Y-1, Z-1 y Z-2); la adición de cinco ubicaciones de emisarios propuestas (055, 056, 058, 059 y 060); una revisión del área minera 11H; la adición del estanque de tratamiento propuesto O; y la adición del emisario 057 propuesto; cada uno de ellos descargará agua de tajo de mina, agua de despresurización de mina y aguas pluviales en una tasa intermitente y de flujo variable. El borrador del permiso autoriza el agua del pozo de la mina, el agua de despresurización de la mina y las aguas pluviales de los estanques en el "área de minería activa" de forma intermitente y con flujo variable a través del emisario 001M-035M y 050M-060M y el agua del pozo de la mina y el agua pluvial de los estanques en el "área post-minería" en forma intermitente y de caudal variable a través del Emisario 001R-035R y 050R-060R. La TCEQ recibió esta solicitud el 4 de abril de 2022.

La instalación está ubicada en 6200 Farm-to-Market Road 3387, al sur de la ciudad de Christine, en el condado de Atascosa, Texas 78012. Este enlace a un mapa electrónico del sitio o la ubicación general de la instalación se proporciona como cortesía pública y no es parte de la solicitud o notificación. Para conocer la ubicación exacta, consulte la aplicación.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.476944%2C28.704444&level=12>

El efluente se descarga a través de los desagües 001-006 a un afluente sin nombre, de allí a Caballos Creek, de allí a Souse Creek, de allí a La Parita Creek; a través del Emisario 007 a un afluente sin nombre, de allí a La Parita Creek; a través del Emisario 009 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través del Emisario 010 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través de Outfalls 011-019 a afluentes sin nombre, de allí a La Parita Creek;

vía Emisarios 008, 020-023 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; a través de Outfalls 024-028 a un afluente sin nombre, de allí a Souse Creek, de allí a La Parita Creek; vía Emisarios 029-030 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; vía Emisario 031 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; a través de Outfalls 032-033 a afluentes sin nombre; y vía Outfalls 034-035 a una zanja sin nombre, de ahí a un afluente sin nombre; ya través del Emisario 057 a un afluente sin nombre, de ahí a LaParita Creek; de allí todo al Río Atascosa en el Tramo No. 2107 de la Cuenca del Río Nueces; vía Emisario 050 a Hog Creek, de allí a La Jarita Creek; a través del Emisario 051 a un afluente sin nombre, de allí al arroyo La Jarita; por el Emisario 052 a una zanja sin nombre, de ahí a la Quebrada La Jarita; vía Emisario 053 a un afluente sin nombre; a través del Emisario 054 a la alcantarilla, de allí a una zanja, de allí a un afluente sin nombre; vía Emisario 055 a Bruce Branch; a través del emisario 056 hasta Far Live Oak Creek; de allí todo al Arroyo San Miguel en el Tramo No. 2108 de la Cuenca del Río Nueces; y vía 058 a Ditch CD Z-2A, de allí a Bill Walker Creek, de allí a Leoncita Creek; vía Emisario 059 a Bill Walker Creek, de allí a Leoncita Creek; a través del Emisario 060 hasta la Zanja CD Z-1A, de allí a Bill Walker Creek, de allí a Leoncita Creek; de allí todo al Embalse Río Frio Arriba Choke Canyon en el Tramo No. 2117 de la Cuenca del Río Nueces. Los usos de agua receptora no clasificados son uso mínimo de vida acuática para todas las zanjas, Bruce Branch, Far Live Oak Creek y Bill Walker Creek, y alto uso de vida acuática para Leoncita Creek. Los usos designados para los Segmentos No. 2107 y No. 2108 son recreación de contacto primario, suministro público de agua y alto uso de vida acuática. Los usos designados para el Segmento No. 2117 son recreación de contacto primario, suministro público de agua, protección de acuíferos y alto uso de vida acuática.

De acuerdo con el Código Administrativo de Texas 30 §307.5 y los procedimientos de implementación de la TCEQ (junio de 2010) para los Estándares de calidad del agua superficial de Texas, se realizó una revisión antidegradación de las aguas receptoras recién propuestas. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán los criterios numéricos y narrativos para proteger los usos existentes. Una revisión de Nivel 2 sobre los emisarios recientemente propuestos y sus rutas de descarga ha determinado preliminarmente que no se espera una degradación significativa de la calidad del agua en el arroyo Leoncita, que ha sido identificado como de alto uso de vida acuática. Los usos existentes se mantendrán y protegerán. La determinación preliminar de los nuevos emisarios y rutas de descarga propuestos se puede reexaminar y se puede modificar si se recibe nueva información.

El director ejecutivo de la TCEQ completó la revisión técnica de la solicitud y preparó un borrador del permiso. El borrador del permiso, si se aprueba, establecería las condiciones bajo las cuales debe operar la instalación. El director ejecutivo ha tomado una decisión preliminar de que este permiso, si se emite, cumple con todos los requisitos legales y reglamentarios. La solicitud de permiso, la decisión preliminar del director ejecutivo y el borrador del permiso están disponibles para ver y copiar en la Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas en el Condado de Atascosa y en el McMullen County Courthouse, 501 River Street, Tilden, Texas en el condado de McMullen.

**AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en: <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**COMENTARIO PÚBLICO / REUNIÓN PÚBLICA.** Puede enviar comentarios públicos o solicitar una reunión pública sobre esta solicitud. El propósito de una reunión pública es brindar la oportunidad de enviar comentarios escritos u orales o hacer preguntas sobre la solicitud. Generalmente, la TCEQ llevará a cabo una reunión pública si el Director Ejecutivo determina que existe un grado significativo de interés público en la solicitud o si lo solicita un legislador local. Una reunión pública no es una audiencia de caso impugnado.

**OPORTUNIDAD PARA UNA AUDIENCIA DE CASO IMPUGNADO.** Después de la fecha límite para los comentarios públicos, el Director Ejecutivo considerará los comentarios y preparará una respuesta a todos los comentarios públicos relevantes y materiales, o significativos. **La respuesta a los comentarios, junto con la decisión del Director Ejecutivo sobre la solicitud, se enviará por correo a todos los que enviaron comentarios públicos o solicitaron estar en una lista de correo para esta solicitud. Si se reciben comentarios, el correo también proporcionará instrucciones para solicitar una audiencia de caso impugnado o una reconsideración de la decisión del Director Ejecutivo.** Una audiencia de caso impugnado es un procedimiento legal similar a un juicio civil en un tribunal estatal de distrito.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, DEBE INCLUIR LOS SIGUIENTES ARTÍCULOS EN SU SOLICITUD:** su nombre, dirección, número de teléfono; nombre del solicitante y número de permiso propuesto; la ubicación y distancia de su propiedad/actividades en relación con la instalación propuesta; una descripción específica de cómo se vería afectado negativamente por la instalación de una manera que no es común para el público en general; una lista de todas las cuestiones de hecho en disputa que usted envíe durante el período de comentarios; y la declaración "[Yo/nosotros] solicitamos una audiencia de caso impugnado". Si la solicitud de audiencia de caso impugnado se presenta en nombre de un grupo o asociación, la solicitud debe designar al representante del grupo para recibir correspondencia futura; identificar por nombre y dirección física a un miembro individual del grupo que se vería afectado negativamente por la instalación o actividad propuesta; proporcionar la información discutida anteriormente con respecto a la ubicación del miembro afectado y la distancia de la instalación o actividad; explicar cómo y por qué el miembro se vería afectado; y explicar cómo los intereses que el grupo busca proteger son relevantes para el propósito del grupo.

Luego del cierre de todos los períodos de comentarios y solicitudes aplicables, el Director Ejecutivo enviará la solicitud y cualquier solicitud de reconsideración o de una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración en una reunión programada de la Comisión.

La Comisión solo puede conceder una solicitud de audiencia de caso impugnado sobre asuntos que el solicitante presentó en sus comentarios oportunos que no fueron retirados posteriormente. **Si se concede una audiencia, el tema de la audiencia se limitará a cuestiones de hecho en disputa o cuestiones mixtas de hecho y derecho relacionadas con inquietudes relevantes y materiales sobre la calidad del agua presentadas durante el período de comentarios.**

**ACCIÓN DEL DIRECTOR EJECUTIVO.** El Director Ejecutivo puede emitir la aprobación final de la solicitud a menos que se presente oportunamente una solicitud de audiencia de caso impugnado o una solicitud oportuna de reconsideración. Si se presenta una solicitud de audiencia o una solicitud de reconsideración a tiempo, el Director Ejecutivo no emitirá la aprobación final del permiso y enviará la solicitud y las solicitudes a los Comisionados de la TCEQ para su consideración en una reunión programada de la Comisión.

**LISTA DE CORREO.** Si envía comentarios públicos, una solicitud de audiencia de caso impugnado o una reconsideración de la decisión del Director Ejecutivo, se lo agregará a la lista de correo para esta solicitud específica para recibir futuros avisos públicos enviados por la Oficina del Secretario Principal. Además, puede solicitar ser agregado a: (1) la lista permanente para un nombre de solicitante específico y número de permiso; y (2) la lista de correo de un condado específico. Si desea ser incluido en la lista de correo permanente y del condado, especifique claramente qué lista(s) y envíe su solicitud a la Oficina del Secretario Principal de la TCEQ a la dirección a continuación.

**Todos los comentarios públicos por escrito y las solicitudes de reuniones públicas deben enviarse a la Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente en [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) 30 días a partir de la fecha de publicación en el periódico de este aviso.**

**INFORMACIÓN DISPONIBLE EN LÍNEA.** Para obtener detalles sobre el estado de la solicitud, visite la base de datos integrada de los comisionados en [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Busque en la base de datos utilizando el número de permiso para esta solicitud, que se proporciona en la parte superior de este aviso.

**CONTACTOS E INFORMACIÓN DE LA AGENCIA.** Los comentarios y solicitudes del público deben enviarse electrónicamente a [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/), o por escrito a la Comisión de Calidad Ambiental de Texas, Office of the Chief Clerk, MC-105, P.O. Caja 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información de contacto que proporcione, incluido su nombre, número de teléfono, dirección de correo electrónico y dirección física, pasará a formar parte del registro público de la agencia. Para obtener más información sobre esta solicitud de permiso o el proceso de obtención de permisos, llame al Programa de Educación Pública de la TCEQ, sin cargo, al 1-800-687-4040 o visite su sitio web en [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener más información de San Miguel Electric Cooperative, Inc. en la dirección indicada anteriormente o llamando al Sr. David Burris al 830-784-3411.

Emitido: 13 de octubre de 2022

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

APPLICANT NAME: SAN MIGUEL  
ELECTRIC COOPERATIVE INC  
PERMIT NO.: WQ0002043000  
CCO#: 128230  
NOTICE OF APPLICATION AND  
PRELIMINARY DECISION

**PUBLISHER'S AFFIDAVIT  
FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS  
OTHER THAN RENEWALS**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_; that this newspaper is  
*(name of newspaper)*

regularly published or circulated in \_\_\_\_\_ County/Counties, Texas,  
*(same county as proposed facility)*

and that the enclosed notice was published in said newspaper on the following date(s):

\_\_\_\_\_  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

APPLICANT NAME: SAN MIGUEL  
ELECTRIC COOPERATIVE INC  
PERMIT NO.: WQ0002043000  
CCO#: 128230  
NOTICE OF APPLICATION AND  
PRELIMINARY DECISION

### ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_; that this newspaper is  
*(name of newspaper)*

generally circulated in \_\_\_\_\_ County, Texas,  
*(same county as proposed facility)*

and is published primarily in \_\_\_\_\_ language;  
*(alternative language)*

the enclosed notice was published in said newspaper on the following date(s):

\_\_\_\_\_.  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Application and Preliminary Decision  
(NAPD)  
Water Quality Permit

---

All applicants must complete this page.

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC

Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

Water Quality Permit Number: WQ0002043000

Regulated Entity Number: RN100226539 Customer Number: CN600132278

---

PUBLIC VIEWING LOCATION

---

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: \_\_\_\_\_

Address of Public Place: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Application and Preliminary Decision  
(NAPD)  
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: SAN MIGUEL ELECTRIC COOPERATIVE INC

Site or Facility Name: SAN MIGUEL ELECTRIC PLANT

Water Quality Permit Number: WQ0002043000

Regulated Entity Number: RN100226539 Customer Number: CN600132278

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

*Landowners 02043*

TYLER RANCH PARTNERS, LTD.  
P.O. BOX 123  
TILDEN, TX 78072

DTB INVESTMENTS LP,  
C/O QUINTEN SCOTT  
28615 IH-10 W  
BOERNE, TX 78006

WYE RANCH, LTD  
P.O. BOX 12632  
SAN ANTONIO, TX 78212

McMULLEN COUNTY  
501 RIVER STREET  
TILDEN, TX

ROGER ELIZONDO  
2502 BROWN AVE  
JOURDANTON, TX 78026

THE PATRICK RAYES FAMILY  
PARTNERSHIP, LTD.  
P.O. BOX 195429  
DALLAS, TX 75219-8607

CLIFTON WHEELER JR  
P.O. BOX 1676  
GEORGE WEST, TX 78022

DONALD HAYNES JR  
P.O. BOX 543  
TILDEN, TX 78072

SAN MIGUEL PLANT  
SAN MIGUEL ELECTRIC COOP., INC  
P.O. BOX 280  
JOURDANTON, TX 78026

MARNIE REYES GARCIA  
P.O. BOX 855  
PLEASANTON, TX 78064

DTB INVESTMENTS LP  
P.O. BOX 2066  
BANDERA, TX 78003

SAN MIGUEL PLANT WATER WELL  
SITES  
SAN MIGUEL ELECTRIC COOP., INC  
P.O. BOX 280  
JOURDANTON, TX 78026

MARGARET STEPHENSON  
P.O. BOX 552  
TILDEN, TX 78072

McMULLEN FOUR K GENERAL  
PARTNERSHIP,  
C/O ALVIN KASSNER  
219 COUNTRYWOOD DR  
SAN ANTONIO, TX 78216

SAN MIGUEL ELECTRIC COOP., INC.  
P.O. BOX 280  
JOURDANTON, TX 78026

MAYDE N. SWAIM  
115 TYLER RANCH ROAD  
JOURDANTON, TX 78023

IDA MAE HERNRY KAISER  
P.O. BOX 246  
JOURDANTON, TX 78026

A.M. PEELER JR.  
100 LA PARITA ROAD  
JOURDANTON, TX 78026

MARCI MAHONEY  
195 CR 328  
JOURDANTON, TX 78026

DORNAK RANCH 1938 LLC  
JEFFREY DALE DORNAK  
14100 AVERY RANCH BLVD #203  
AUSTIN, TX 78717

JASON BYRON PEELER  
3007 FM 539  
FLORESVILLE, TX 78114

JOANN MAHONEY  
65 CR 328  
JOURDANTON, TX 78026

ROBERT F. ADAMS ESTATE  
CLARICE A. DROUGHTON  
4130 GLENSHIRE ST.  
HOUSTON, TX 77025

EOG RESOURCES INC  
P.O. BOX 4362  
HOUSTON, TX 77210-4362

MICHAEL MAHONEY  
P.O. BOX 102  
PLEASANTON, TX 78064

LEIGH J. RICE & MALAINA A.  
JOHNSON  
13 WINDEMERE CT.  
FORT WALTON BEACH, FL 32547

SEVENTY FOUR RANCH  
C/O BENCHMARK AD VALOREM  
P.O. BOX 700925  
SAN ANTONIO, TX 78270

MARK MAHONEY  
302 CRESCENT KNOLLS DR.  
RICHMOND, TX 77406

DJH RANCHING, LP  
C/O MR. EDWIN H. KNIGHT JR  
712 MAIN ST., STE 1900  
HOUSTON, TX 77002-3220

MFB HOLDINGS MCMULLEN CO.  
600 ROUND ROCK DR. WEST #103  
ROUND ROCK, TX 78681

SU-TIAN RANCH, LTD.  
2009 COUNTISS ROAD  
JOURDANTON, TX 78026

WALT FRANKLIN  
360 FRANKLIN RANCH ROAD  
TILDEN, TX 78072

ROBERT W. ERRINGTON & FATIMA  
RODRIGUEZ ERRINGTON  
P.O. BOX 241  
TILDEN, TX 78072

NANCY WHEELER PLUMLEE  
1232 CR 227  
GIDDINGS, TX 78942

BROCKTON V & CHARLOTTE K  
SCHUPP  
317 SIDNEY BAKER ST S  
KERRVILLE, TX 78028

CAMILA WILSON  
1524 WOLF BEND RD  
GERMANTOWN, TN 35138

BESSILIA G GUERRERO  
P.O. BOX 354  
TILDEN, TX 78072

EDWARDS FRANKLIN RANCH, LLC  
PO. BOX 158  
TILDEN, TX 78072

SHORTY INVESTMENTS, LTD.  
619 HILLSONG  
SAN ANTONIO, TX 78258

ELTA GRACE PENNINGTON  
100 CROSS CREEK RANCH RD  
JOURDANTON, TX 78026

JERALD & BRENDA KOLINECK  
920 TOM ROAD  
FLORESVILLE, TX 78114

BARBARA BACON  
971 OAKWOOD DR  
SAN ANTONIO, TX 78228

3AYLE CRAIN KUYKENDALL &  
TRUSTEE ROBBIE KUYKENDALL  
FAMILY 2012 TRUST  
132 AUBURN PLACE  
SAN ANTONIO, TX 78209

MCTEE L7 RANCH, LTD  
3267 BEE CAVE RD STE 107-81  
AUSTIN, TX 78746-6773

NUSTAR LOGISTICS, LP  
P.O. BOX 780339  
SAN ANTONIO, TX 78278-9914

FRANKLIN SWAIM  
3673 N HWY 16  
JOURDANTON, TX 78026

PRIMITIVE RANCHES, LLC  
P.O. BOX 1001  
WIMBERLY, TX 78676

HENRY & LINDA LEE  
P.O. BOX 200  
TILDEN, TX 78072

NESLEY F & SUE SWAIM FAMILY  
LIMITED PARTNERSHIP  
P.O. BOX 513  
TILDEN, TX 78072

JAIME CATHERINE PENNINGTON  
ALBERT  
P.O. BOX 445  
FALLS CITY, TX 78113

STATE OF TEXAS, GENERAL LAND  
OFFICE  
1700 N. CONGRESS AVE., SUITE  
640  
AUSTIN, TX 78701

MURRAY R SWAIM  
P.O. BOX 100  
TILDEN, TX 78072

JENNIFER MATT-LYNN  
PENNINGTON HOFFERICHTER  
P.O. BOX 301  
JOURDANTON, TX 78026

02043  
land owners

KATHY F. SMITH  
P.O. BOX 1676  
MARBLE FALLS, TX 78654

LEE F. LIVELY  
P.O. BOX 449  
GIDDINGS, TX 78942

PEGGY STEINLE  
P.O. BOX 93  
JOURDANTON, TX 78026

RODNEY & BOBBIE SWAIM FAMILY  
LIMITED PARTNERSHIP  
151 FRANKLIN RANCH ROAD  
JOURDANTON, TX 78026

2 of 3

DICKE FRANKIE HENRY  
LIFE ESTATE  
P.O. BOX 446  
UVALDE, TX 78802

JAMES A. & NANCY L. MATHEWS  
TRUSTEES OF JAMES & NANCY  
REV. LIVING TRUST  
2002 DELWOOD DR.  
ABILENE, TX 79603

LAURA JANE ELDER & LINDA GAIL  
WEED  
P.O. BOX 1239  
UVALDE, TX 78802

RIVERVIEW ENTERPRISES, LLC  
C/O RODERICK & JOSEPH SAUTER  
34 REDBUD RIDGE PLACE  
SPRING, TX 77830

HERALD MOURSUND  
C/O MRS. C.E. DICKINSON  
1042-B N. EL CAMINO REAL  
ENCINITAS, CA 92024

DORA RUTHERFORD  
P.O. BOX 247  
PLEASANTON, TX 78064

RALPH SAUTER  
960 PONDEROSA DR.  
NEW BRAUNFELS, TX 78132

RUTH TYMRAK  
P.O. BOX 162  
CAMPBELLTON, TX 78008

CHARLOTTE B. WARREN  
179 E. ELMVIEW  
SAN ANTONIO, TX 78212

3 of 3

THE HONORABLE DAWN BUCKINGHAM  
TEXAS SENATE  
DISTRICT ROOM E1.808  
TEXAS STATE CAPITOL  
Dawn.buckingham@senate.texas.gov

THE HONORABLE ROLAND GUTIERREZ  
TEXAS SENATE  
DISTRICT ROOM E1.608  
TEXAS STATE CAPITOL  
roland.gutierrez@senate.texas.gov

THE HONORABLE JUDITH ZAFFIRINI  
TEXAS SENATE  
DISTRICT 21 ROOM 1E.14  
TEXAS STATE CAPITOL  
Judith.zaffirini@senate.texas.gov

THE HONORABLE RYAN GUILLEN  
TEXAS HOUSE OF REPRESENTATIVES  
DISTRICT ROOM 1W.3  
TEXAS STATE CAPITOL  
Ryan.guillen@house.texas.gov,  
robert.mcvey@house.texas.gov

THE HONORABLE TRACY O KING  
TEXAS HOUSE OF REPRESENTATIVES  
DISTRICT ROOM GW.16  
TEXAS STATE CAPITOL  
Tracy.king@house.texas.gov

CITY OF CHRISTINE  
HEALTH OFFICIAL  
PO BOX 238  
CHRISTINE TX 78012-0238

CITY OF CHRISTINE  
MAYOR  
PO BOX 238  
CHRISTINE TX 78012-0238

RESOURCE RECOV MANGR  
ALAMO AREA COUNCIL OF GOVERNME  
8700 TESORO DR STE 160  
SAN ANTONIO TX 78217-6221

ATASCOSA COUNTY HEALTH DEPT  
101 COURTHOUSE CIRCLE DR  
JOURDANTON TX 78026

ATASCOSA COUNTY JUDGE  
1 COURTHOUSE CIRCLE DR STE 101  
JOURDANTON TX 78026-3446

CITY OF CORPUS CHRISTI  
WATER DIVISION  
PO BOX 9277  
CORPUS CHRISTI TX 78469-9277

COASTAL BEND COUNCIL OF GOVERN  
PO BOX 9909  
CORPUS CHRISTI TX 78469-9909

MCMULLEN COUNTY JUDGE  
COUNTY COURTHOUSE  
PO BOX 237  
TILDEN TX 78072-0237

NUECES RIVER AUTHORITY  
539 CRYSTAL CITY HWY  
UVALDE TX 78801-6127

GENERAL MANAGER  
SAN ANTONIO RIVER AUTHORITY  
100 E GUENTHER  
SAN ANTONIO TX 78204-1401

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

PUBLIC HEALTH REGION 8  
TEXAS DEPARTMENT OF STATE HEAL  
7430 LOUIS PASTEUR DR  
SAN ANTONIO TX 78229-4507

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

US ARMY CORPS OF ENGINEERS REG  
CESWS-PER-R  
PO BOX 17300  
FORT WORTH TX 76102-0300

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
4444 CORONA DR STE 215  
CORPUS CHRISTI TX 78411-4300

RUSSELL LABUS MANAGER  
EVERGREEN UNDERGROUND WATER CO  
110 WYOMING BLVD  
PLEASANTON TX 78064-4463

LONNIE STEWART MANAGER  
MCMULLEN GROUNDWATER CONSERVAT  
PO BOX 232  
TILDEN TX 78072-0232

MARCIE ALEXANDER  
ENVIRONMENTAL INTEGRITY PROJECT  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

DEVIN D BENSON  
BENSON & JONES PLLC  
STE 550  
745 E MULBERRY AVE  
SAN ANTONIO TX 78212-3163

BRENT A ELLIOTT DIRECTOR  
RAILROAD COMMISSION OF TEXAS  
PO BOX 12967  
AUSTIN TX 78711-2967

LEONARD G GARCIA  
2705 LONG LASSO PASS  
LEANDER TX 78641-3425

LEONARD G GARCIA  
10105 GRAND OAK DR  
AUSTIN TX 78750-3806

SCOTT R HALTY  
SAN ANTONIO WATER SYSTEM  
PO BOX 2449  
SAN ANTONIO TX 78298-2449

AMY A HESSELTINE PE  
LNV ENGINEERING  
STE 300  
801 NAVIGATION BLVD  
CORPUS CHRISTI TX 78408-2600

GWYNETH LONERGAN  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

MR & MRS MARK MUND  
852 CUT OFF RD  
FREDERICKSBURG TX 78624-6450

10-13-22

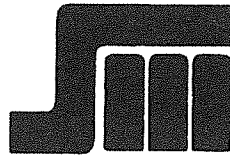
KEVIN REESE WATER QUALITY SPECIALIST  
NUECES RIVER AUTHORITY  
602 N STAPLES ST STE 280  
CORPUS CHRISTI TX 78401-1015

LOUIS T ROSENBERG  
LAW OFFICE OF LOUIS T ROSENBERG PC  
1024 C ST  
FLORESVILLE TX 78114-2224

MR & MRS BOB ULRICH  
1873 BRONDER RD  
PLEASANTON TX 78064-6771

10-13-22





**SAN MIGUEL ELECTRIC COOPERATIVE, INC.**

July 27, 2022

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 AUG - 1 AM 9:42  
CHIEF CLERKS OFFICE

**RE: Form TCEQ-20244 for Atascosa County**  
**Applicant Name: San Miguel Electric cooperative, Inc. (CN600132278)**  
**Permit No.: WQ0002043000 (EPA I.D. No. TX0083445)**  
**Site Name: San Miguel Lignite Mine (RN100226539)**  
**Type of Application: Major Amendment**

Dear Notice Team:

Enclosed you will find a completed Form TCEQ-20244, Page 1 of 2 for the Atascosa County Courthouse. The form for Atascosa County was inadvertently omitted from the Proof of Publication package of information that was sent on July 27, 2022 by Certified Mail No. 7019 1120 0001 3588 9614.

If you have questions, please contact me at 830.784.3411, ext. 203.

Thank you,

Nellie Frisbee  
Permit Specialist

Enclosure

Via Email:

James Miertschin, James Miertschin & Assoc., Inc.  
Lisa Kost, Jackson Walker LLP  
Dave Burris, Fuels Manager



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Receipt of Application and Intent to Obtain Permit**  
**(NORI)**  
**Water Quality Permit**

---

**Complete this page only if you are required to publish in an alternative language and are not able to do so.**

Applicant Name: San Miguel Electric Cooperative, Inc.

Site or Facility Name: San Miguel Lignite Mine

Water Quality Permit Number: 0002043000

Regulated Entity Number: RN 1002262539 Customer Number: CN 600132278

---

**ALTERNATIVE LANGUAGE EXEMPTION**

---

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

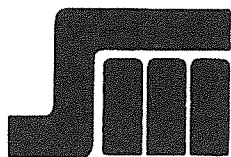
- ☒ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name:

Language:

Applicant or Applicant Representative Signature: Nellie Trisbee

Title: Permit Specialist Date: 7/27/2022



**SAN MIGUEL ELECTRIC COOPERATIVE, INC.**

July 27, 2022

Via Certified Mail No.: 7019 1120 0001 3588 9614

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 JUL 29 PM 2:31  
CHIEF CLERKS OFFICE

**RE: Proof of Publication**

**Applicant Name:** San Miguel Electric cooperative, Inc. (CN600132278)

**Permit No.:** WQ0002043000 (EPA I.D. No. TX0083445)

**Site Name:** San Miguel Lignite Mine (RN100226539)

**Type of Application:** Major Amendment

Dear Notice Team:

Enclosed you will find a completed Form TCEQ-20244, Pages 1 and 2 of 2. Also included is a completed Publisher's Affidavit and a tear sheet from the publication of the public notice for the above referenced major amendment to the water quality permit for the San Miguel Lignite Mine.

If you have questions, please contact me at 830.784.3411, ext. 203.

Thank you,

Nellie Frisbee  
Permit Specialist

Enclosures

Via Email:

James Miertschin, James Miertschin & Assoc., Inc.  
Lisa Kost, Jackson Walker LLP  
Dave Burris, Fuels Manager

TCEQ OFFICE OF THE CHIEF CLERK  
MC105 Attn: Notice Team  
P.O. BOX 13087  
AUSTIN, TX 787113087  
Applicant Name: San Miguel Electric  
Cooperative, Inc.  
Permit No.: WQ0002043000

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 JUL 29 PM 2:31  
CHIEF CLERKS OFFICE

**PUBLISHER'S AFFIDAVIT  
FOR WATER QUALITY PERMITS**

STATE OF TEXAS §  
COUNTY OF Atascosa §

Before me, the undersigned authority, on this day personally appeared

Noel Wilkerson Holmes who being by me duly sworn, deposes  
(name of person representing newspaper)

and says that (s)he is the Publisher  
(title of person representing newspaper)

of the Pleasanton Express; that this newspaper is a newspaper of  
(name of newspaper)

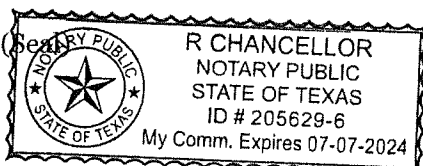
largest circulation in Atascosa and McMullen Counties County, Texas or is  
(name of county)

a newspaper of general circulation in \_\_\_\_\_,  
(name of municipality)

Texas; and that the enclosed notice was published in said newspaper on the following  
date(s):

June 29, 2022  
[Signature]  
(newspaper representative's signature)

Subscribed and sworn to before me this the 14 day of July,  
2022.



R Chancellor  
Notary Public in and for the State of Texas  
R Chancellor

My Commission expires July 7, 2024



FM 476. 3 bedroom mobile home, \$650/month. Water & garbage included. 210-416-6393. (35c)

**THE PLEASANTON HOUSING AUTHORITY** is currently accepting applications for the Section 8 and the Low Rent Public Housing wait list. Applications are given out Mondays, Tuesdays, Thursdays and Fridays from 8 a.m.-4 p.m. The Pleasanton Housing Authority is located at 402 W. Adams St., Pleasanton, TX, 78064. You may call for information at 830-569-5558 or 830-569-5559. (02cfn)

**MOBILE HOME FOR RENT** 2 bed/1 bath in Poteet. Has A/C & stove. No pets. \$650 a month. \$500 deposit. Call 210-854-6220. (33-35p36)

## Legal Notices

### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT AMENDMENT

PERMIT NO. WQ0002043000

**APPLICATION.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdan, Texas 78026, which owns a surface lignite mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 (EPA I.D. No. TX0083445) to authorize the expansion of lignite mining activities including: the addition of new mining area X,Y,Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O, and the addition of proposed outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater runoff at an intermittent and flow variable rate. The facility is located at 6200 Farm-to-Market Road 3387, Christine, in Atascosa and McMullen Counties, Texas 78012. The discharge routes are via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souze Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008, 020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souze Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries; via Outfalls 034-035 to an unnamed ditch, thence to an unnamed tributary; and via Outfall

The permit application is available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdan, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=d5b5ac44afbc468bddd360f8168250f&mark=98476944%2C2870444&level=12>

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/waste-water/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceed-**

**future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.**

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

be received by the City Secretary, Andres Aguirre, 108 Second Street, P.O. Box 209, Pleasanton, Texas, 78064, until 2:00 P.M., July 14, 2021. Bids will then be publicly opened and read aloud in the City Council Chambers at 108 Second Street, Pleasanton, Texas, 78064.

Interested bidders may obtain bid forms from City of Pleasanton City Hall between 8:00 a.m. and 5:00 p.m., Monday through Friday. There is no charge for the bid package.

CITY OF PLEASANTON

Johnny Huizar  
City Manager  
(34-35cPO#21-02381B)

### INVITATION FOR BID

Sealed bids are requested by the City of Pleasanton for a curb project that includes approximately 6,630 linear feet of Curb and Gutter as well as 6,000 square feet of concrete pavement for the Crownhill and Edgell Street Reconstruction Project.

Sealed bids will be received by the City Secretary, Andres Aguirre, 108 Second Street, P.O. Box 209, Pleasanton, Texas, 78064, until 2:00 P.M., July 14, 2021. Bids will then be publicly opened and read aloud in the City Council Chambers at 108 Second Street, Pleasanton, Texas, 78064.

Interested bidders may obtain bid forms from City of Pleasanton City Hall between 8:00 a.m. and 5:00 p.m., Monday through Friday. There is no charge for the bid package.

CITY OF PLEASANTON

Johnny Huizar  
City Manager  
(34-35cPO#21-023820)

### INVITATION FOR BID

Design/Build contractor proposals are requested for an extension of the Skate Park in the City Park to be constructed in 2022. The requested project will consist of an extension of the existing concrete at the skatepark. RFP Documents can be found on the City Engineer's webpage for the City of Pleasanton, Texas.

Sealed proposals will be received by the City Secretary, Andres Aguirre, 108 Second Street, P.O. Box 209, Pleasanton, Texas, 78064, until 2:00 P.M., July 14, 2021. Bids will then be publicly opened and read aloud in the City Council Chambers at 108 Second Street, Pleasanton, Texas, 78064.

Interested bidders may obtain bid forms from City of Pleasanton City Hall between 8:00 a.m. and 5:00 p.m., Monday through Friday. There is no charge for the bid package.

CITY OF PLEASANTON

Johnny Huizar  
City Manager  
(34-35cPO#21-02381A)

Go with the Classifieds!

**2. EVALINA HUIZAR** now holds such Letters, and the Estate is being administered as prescribed by law. All persons having claims against said Estate are hereby required to present same at the address below, before suit upon same are barred by the general statutes of limitation, before such Estate is closed, and within the time required by law;

3. Any claim which may hereinafter be presented shall be sent to said Executor, in care of his attorney, as follows:

Evalina Huizar, Independent Executor  
C/O The Law Office of Matthew K. Franklin 120 Preston Street  
Pleasanton, Texas 78064  
Fax: 830-569-3873  
Email: Barbye@have-law.net

Executed this the 23rd day of April, 2022.

Matthew K. Franklin, Attorney  
The Estate of JOE A. HUIZAR, Deceased. (35c)

**Application has been made with the TEXAS ALCOHOLIC BEVERAGE COMMISSION for a Wine Only Package Store (Q PERMIT) by MAAP PARTNERS 1 LLC dba PETRO MART #5, to be located at 1302 ZANDERSON AVE, JOUR-**

dan, Texas. The hearing to receive testimony and comments from members of the public on the merits of the following matter:

1) Public hearing, discussion and possible action to recommend approval or denial to the City Council regarding an application for a Special Use Permit for the property located at 1102 Magnolia St., and legally described as BLK 255 LT 2A, Jourdan, Atascosa County, Texas. The applicant, Peter Douglas is seeking a special use permit to allow a manufactured home on the property.

2) Public hearing, discussion and possible action to recommend approval or denial to the City Council regarding an application for Special Use Permit for property located at 501 Chestnut St., and legally described as BLK 98 LTS 1 & 3, Jourdan, Atascosa County, Texas. The property is currently zoned SF-1 Single - Family Residential Property. The applicant, Vianey R. Varnado is seeking a special use permit to allow a manufactured home on the property.

3) Public hearing, discussion and possible action to recommend approval or denial to the City Council regarding an application for a Special Use Permit, to allow a Mobile Food Vendor on the commercial property legally described as BLK 184, LTS 14 & 16, Jourdan, Atascosa County, Texas. The property is currently

being used for the following matter:

## PUBLIC NOTICE

### NOTICE TO CREDITORS

**NOTICE OF APPOINTMENT OF LINDA SUE MANNING AS INDEPENDENT EXECUTOR OF THE ESTATE OF KENT McCARY, AKA DWANA KENT McCARY**

Pending in the County Court of Atascosa County, Texas, sitting in Probate, in Cause No. 8472.

TO ALL PERSONS INTERESTED IN THE ABOVE ESTATE:

WHEREAS, on May 17, 2022, the undersigned duly qualified as the Independent Executor of the Estate of Kent McCary, aka Dwana Kent Deceased.

Notice is hereby given that original Letters Testamentary on this estate were granted and this is to notify all persons having claims against the estate to present them to the undersigned within the time and in the manner prescribed law. Any person indebted to the estate is hereby notified to pay such debt to the undersigned.

/s/ Linda Sue Manning  
LINDA SUE MANNING  
Independent Executor of the Estate of  
Kent McCary, aka Dwana Kent McCary, Deceased

Address:

**managing member, Brad Burkholder, managing member and Amanda Wheeler, managing member.**

## PUBLIC NOTICE

**NOTICE OF APPOINTMENT OF THOMAS WARDLE** as Independent Executor of the Estate of Theodore Wardle, Deceased. Pending in the County Court of Atascosa County, Texas, in Matters of Probate No. 8435.

TO ALL PERSONS INTERESTED IN THE ABOVE ESTATE:

WHEREAS, on the 4th day of March, 2022, in the County Court of Atascosa County, Texas, the undersigned duly qualified as the Independent Executor of

Classified  
get RESI

Classified  
Adverti  
Deadl  
is  
Noon on I

## TEXAS STATEWIDE CLASSIFIED ADVERTISING NETWORK

**TexSCAN Week of June 26-July 2, 2022**

**ACREAGE**  
**Own your piece of Texas TODAY!** Prices starting at \$650/acre. Trans Pecos region. Also the Hill Country (Edwards, Menard, Coke, Val Verde Counties - free ranging exotics), South Texas (Duval County - whitetail, hogs). Large acreage or small. 30 year fixed rate owner financing, only 5% down. Call toll free or email for individual prices and terms. [www.ranchenterprisesltd.com](http://www.ranchenterprisesltd.com), 800-876-9720.

**ARROWHEADS**  
**Indian Arrowheads Wanted** - Point Type: Clovis, Yuma, Firstview & Eden. Must be old, authentic & unbroken. Absolute TOP DOLLAR paid - up to 5 figures for one point. I am a very serious high-end collector. Call 979-218-3351.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Receipt of Application and Intent to Obtain Permit  
(NORI)  
Water Quality Permit

All applicants must complete this page.

Applicant Name: San Miguel Electric Cooperative, Inc.

Site or Facility Name: San Miguel Lignite Mine

Water Quality Permit Number: 0002043000

Regulated Entity Number: RN 1002262539 Customer Number: CN 600132278

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: McMullen County Courthouse, Office of the County Clerk

Address of Public Place: 501 River Street, Tilden, TX 78072

Applicant or Applicant Representative Signature: Nellie Frisbee

Title: Permit Specialist

Date: 7/27/2022

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 JUL 29 PM 2:31  
CHIEF CLERKS OFFICE



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Receipt of Application and Intent to Obtain Permit  
(NORI)  
Water Quality Permit

All applicants must complete this page.

Applicant Name: San Miguel Electric Cooperative, Inc.

Site or Facility Name: San Miguel Lignite Mine

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Name of Public Place: Atascosa County Courthouse, Office of the County Clerk

Address of Public Place: 1 Courthouse Circle Dr., Ste. 102, Jourdanton, TX 78026

Applicant or Applicant Representative Signature: \_\_\_\_\_

Nellie Trishue

Title: \_\_\_\_\_

Permit Specialist

Date: \_\_\_\_\_

7/27/2022

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 AUG - 1 AM 9:42  
CHIEF CLERKS OFFICE



## WQ STANDARD MAIL LIST

**APPLICANT:**

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC COOPERATIVE  
INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

**Other Applicant Representatives:**

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC  
COOPERATIVE INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

MR DAVID BURRIS  
SAN MIGUEL ELECTRIC  
COOPERATIVE INC  
PO BOX 280  
JOURDANTON, TX 78026-0280

PERMIT #: WQ0002043000

**BASIN:**

**REGION:** 13

**COUNTY:** ATASCOSA

**PERMITTEE:**

SAN MIGUEL ELECTRIC COOPERATIVE INC

**TO BE PUBLISHED BY:**

MR DAVID BURRIS

**DATE NOTICE MAILED:** June 21, 2022

**CCO #:** 128230

**NOTICE TECH INITIALS:** KIMOORE

EVELYN ROSBOROUGH  
USEPA REGION 6  
1445 ROSS AVE STE 1200  
MAIL CODE 6WQ  
DALLAS TX 75202-2733  
[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)  
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD  
LONE STAR CHAPTER SIERRA CLUB  
PO BOX 4998  
AUSTIN TX 78765  
[cyrus.reed@sierracub.org](mailto:cyrus.reed@sierracub.org)

MYRON J HESS  
1705 MARGARET ST  
AUSTIN TX 78704  
[myron@myronhess.com](mailto:myron@myronhess.com)

ANNIE SCHMITT  
NATIONAL WILDLIFE FEDERATION  
505 E HUNTLAND DR STE 485  
AUSTIN TX 78752  
[schmitta@nwf.org](mailto:schmitta@nwf.org)

ANNE ROGERS  
COASTAL FISHERIES DIVISION – FPP  
TEXAS PARKS AND WILDLIFE  
INTERAGENCY MAIL  
[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)

SARA THORNTON  
LLOYD GOSSELINK ROCHELLE & TOWNSEND  
816 CONGRESS AVE STE 1900  
AUSTIN TX 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

RAILROAD COMMISSION OF TEXAS  
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT  
INTERAGENCY MAIL

DONNA MCCARVER  
ARCHEOLOGY DIVISION  
TEXAS HISTORICAL COMMISSION  
INTERAGENCY MAIL  
[donna.mccarver@thc.texas.gov](mailto:donna.mccarver@thc.texas.gov)

NICHOLE SAUNDERS  
ENVIRONMENTAL DEFENSE FUND  
5400 MUSKET RDG  
AUSTIN, TX 78759  
[nsaunders@edf.org](mailto:nsaunders@edf.org)

DAVID T VILLARREAL PH.D.  
ENVIRONMENTAL QUALITY PROGRAM  
TEXAS DEPARTMENT OF AGRICULTURE  
INTERAGENCY MAIL

HEIDI BOJES PH.D.  
TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
INTERAGENCY MAIL  
[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)  
(Bojes gets IHW, MSW, and WQ notices.)

TONY WILLIAMS  
GRANT PROGRAM AND SUPPORT DIVISION  
COASTAL RESOURCES PROGRAM  
TEXAS GENERAL LAND OFFICE  
INTERAGENCY MAIL  
[federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov)  
(WILLIAMS only gets notices with CMP language.)

MICHAEL BOOTH  
5701 W SLAUGHTER A130-404  
AUSTIN TX 78749

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT AMENDMENT

**PERMIT NO. WQ0002043000**

**APPLICATION.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, which owns a surface lignite mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 (EPA I.D. No. TX0083445) to authorize the expansion of lignite mining activities including: the addition of new mining area X,Y,Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater runoff at an intermittent and flow variable rate. The facility is located at 6200 Farm-to-Market Road 3387, Christine, in Atascosa and McMullen Counties, Texas 78012. The discharge routes are via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souse Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008, 020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries; via Outfalls 034-035 to an unnamed ditch, thence to an unnamed tributary; and via Outfall 057 to an unnamed tributary, thence to La Parita Creek; thence all to the Atascosa River; via Outfall 050 to Hog Creek, thence to La Jarita Creek; via Outfall 51 to an unnamed tributary, thence to La Jarita Creek; via Outfall 052 to an unnamed ditch, thence to La Jarita Creek; via Outfall 053 to an unnamed tributary; via Outfall 054 to pipe culvert, thence to a ditch, thence to an unnamed tributary; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek; via Outfall 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; via Outfall 059 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-1A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Frio River Above Choke Canyon Reservoir. TCEQ received this application on April 4, 2022. The permit application is available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-98.476944%2C28.704444&level=12>

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing.** A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from San Miguel Electric Cooperative, Inc. at the address stated above or by calling Mr. David Burris at 830-784-3411.

Issuance Date: June 7, 2022

# Comisión de Calidad Ambiental del Estado de Texas



## AVISO DE RECIBO DE LA SOLICITUD E INTENCION DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA MODIFICACION

**PERMISO NO. WQ0002043000**

**SOLICITUD.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026 ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) para modificar el Permiso No.WQ00 WQ0002043000 (EPA I.D. No. TX0083445) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la expansión de las actividades de extracción de lignito, incluyendo: la adición de una nueva área de extracción X,Y,Z; la adición de cinco estanques de tratamiento propuestos (X-1, X-2, Y-1, Z-1 y Z-2); la adición de cinco ubicaciones de emisarios propuestas (055, 056, 058, 059 y 060); una revisión del área minera 11H; la adición del estanque de tratamiento propuesto O; y la adición del emisario propuesto 057; cada uno de los cuales descargará agua del tajo de la mina, agua de despresurización de la mina y escurrimiento de aguas pluviales a una tasa intermitente y de flujo variable. La instalación está ubicada en 6200 Farm-to-Market Road 3387, Christine, en los condados de Atascosa y McMullen, Texas 78012. Las rutas de descarga son a través de emisarios 001- 006 a un afluente sin nombre, de allí a Caballos Creek, de allí a Souse Creek, de allí al arroyo La Parita; a través del Emisario 007 a un afluente sin nombre, de allí a La Parita Creek; a través del Emisario 009 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través del Emisario 010 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través de Emisarios 011-019 a afluentes sin nombre, de allí a La Parita Creek; vía Emisarios 008, 020-023 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; a través de Emisarios 024-028 a un afluente sin nombre, de allí a Souse Creek, de allí a La Parita Creek; vía Emisarios 029-030 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; vía Emisario 031 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; a través de Emisarios 032-033 a afluentes sin nombre; a través de Emisarios 034-035 a una zanja sin nombre, de allí a un afluente sin nombre; y vía Emisario 057 a un afluente sin nombre, de allí a La Parita Creek; de allí todo al río Atascosa; vía Emisario 050 a Hog Creek, de allí a La Jarita Creek; a través del Emisario 51 a un afluente sin nombre, de allí al arroyo La Jarita; vía el Emisario 052 por una zanja sin nombre, de allí al Arroyo La Jarita; vía Emisario 053 a un afluente sin nombre; a través del Emisario 054 a la alcantarilla, de allí a una zanja, de allí a un afluente sin nombre; vía Emisario 055 a Bruce Branch; a través del emisario 056 hasta Far Live Oak Creek; de allí todo a San Miguel Creek; vía Emisario 058 una Zanja CD Z- 2A, de allí a Bill Walker Creek, de allí a Leoncita Creek; vía Emisario 059 a Bill Walker Creek, de allí a Leoncita Creek; a través del Emisario 060 hasta la Zanja CD Z-1A, de allí a Bill Walker Creek, de allí a Leoncita Creek; de allí todo al río Frio sobre el embalse de Choke Canyon. TCEQ recibió esta solicitud el día 4 de Abril, 2022.La solicitud para el permiso está disponible para leer y copiar en Atascosa County

Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County y en McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-98.476944%2C28.704444&level=12>

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. **El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.**

**COMENTARIO PUBLICO / REUNION PUBLICA.** Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

**OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todos los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS:** su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de

**la planta o actividad propuesta; explicar cómo y por qué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.**

**Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.**

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas de correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

**CONTACTOS E INFORMACIÓN A LA AGENCIA.** Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la **Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087.** Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional de San Miguel Electric Cooperative, Inc. a la dirección indicada arriba o llamando a Sr. David Burris al 830-784-3411.

Fecha de emisión el 7 de junio de 2022

Adjacent Landowners Shown On Map 1

| Property ID                              | Owner Listed in Tax Rolls                                | Address                          | City         | State | Zip        |
|------------------------------------------|----------------------------------------------------------|----------------------------------|--------------|-------|------------|
| 1786 (Same as Permit 60 Tract SL-113)    | Su-Tian Ranch, Ltd                                       | 2009 Countiss Road               | Jourdanton   | TX    | 78026      |
| 5077, 5076 (Same as Permit 60 Tract 112) | Nancy Wheeler Plumlee                                    | 1232 CR 227                      | Giddings     | TX    | 78942      |
| 2168                                     | Bessilia G Guerrero                                      | PO Box 354                       | Tilden       | TX    | 78072      |
| 4094                                     | Alonzo Garza                                             | PO Box 372                       | Tilden       | TX    | 78072      |
| 42559                                    | Elita Grace Pennington                                   | 100 Cross Creek Ranch Rd         | Jourdanton   | TX    | 78026      |
| 2184, 2176                               | Gayle Crain Kuykendall, Trustee                          | 132 Auburn Place                 | San Antonio  | TX    | 78209      |
| 2189, 2187, 92747                        | Robbie Kuykendall Family 2012 Trust                      | 3673 N Hwy 16                    | Jourdanton   | TX    | 78026      |
| 2177                                     | Franklin Swaim                                           | PO Box 513                       | Tilden       | TX    | 78072      |
| 78692                                    | Wesley F & Sue Swaim Family Limited Partnership          | PO Box 100                       | Tilden       | TX    | 78072      |
| 2131, 2132, 2134, 2139, 44089            | Murray R Swaim                                           | P.O. Box 1676                    | Marble Falls | TX    | 78654      |
| 2410                                     | Kathy F. Smith                                           | PO Box 93                        | Jourdanton   | TX    | 78026      |
| 2027                                     | Peggy Steinle                                            | 360 Franklin Ranch Road          | Tilden       | TX    | 78072      |
| 2411                                     | Walt Franklin, et al                                     | 317 Sidney Baker S               | Kerrville    | TX    | 78028      |
| 3516, 3518                               | Brockton V & Charlotte K Schupp                          | PO Box 158                       | Tilden       | TX    | 78072      |
| 25614                                    | Edwards Franklin Ranch, LLC                              | 920 Tom Road                     | Floresville  | TX    | 78114      |
| 4091, 4092, 1526, 4090                   | Jerald & Brenda Kolinek                                  | 3267 Bee Cave Rd Ste 107-81      | Austin       | TX    | 78746-6773 |
| 4091, 4092, 1526, 4090                   | MCTee L7 Ranch, Ltd                                      | PO Box 1001                      | Wimberley    | TX    | 78676      |
| 4091, 4092, 1526, 4090                   | Jaime Catherine Pennington Albert                        | 100 Cross Creek Ranch Rd         | Wimberley    | TX    | 78026      |
| 2143, 2144                               | Jennifer Mat-Lynn Pennington Hofferichter                | PO Box 445                       | Falls City   | TX    | 78113      |
| 2166                                     | Lee F. Lively                                            | PO Box 301                       | Jourdanton   | TX    | 78026      |
| 82029, 82032                             | Rodney and Bobbie Swaim Family Limited Partnership       | P.O. Box 449                     | Giddings     | TX    | 78942      |
| 1525                                     | Robert W. Errington and wife, Fatima Rodriguez Errington | 151 Franklin Ranch Road          | Jourdanton   | TX    | 78026      |
| 46551                                    | Camilla Wilson                                           | PO Box 241                       | Tilden       | TX    | 78072      |
| 4487                                     | Shorly Investments, Ltd.                                 | 1524 Wolf Bend Rd                | Georgetown   | TN    | 35138      |
| SH 16                                    | Barbara Bacon                                            | 619 Hillsong                     | San Antonio  | TX    | 78258      |
|                                          | Nustar Logistics, LP                                     | 971 Oakwood                      | San Antonio  | TX    | 78228      |
|                                          | Henry & Linda Lee                                        | P.O. Box 780339                  | San Antonio  | TX    | 78278-9914 |
|                                          | State of Texas, General Land Office                      | P.O. Box 200                     | Tilden       | TX    | 78072      |
|                                          |                                                          | 1700 N. Congress Ave., Suite 640 | Austin       | TX    | 78701      |

06/21/2022

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## Adjacent Landowners Shown On Map 2

| Tract #                                        | Owner Name                                                          | Address                          | City        | State | Zip   |
|------------------------------------------------|---------------------------------------------------------------------|----------------------------------|-------------|-------|-------|
| SL-100                                         | Tyler Ranch Partners, Ltd.                                          | PO Box 123                       | Tilden      | TX    | 78072 |
| SL-101                                         | Tyler Ranch Partners, Ltd.                                          | PO Box 123                       | Tilden      | TX    | 78072 |
| SL-102                                         | McMullen County                                                     | 501 River Street                 | Tilden      | TX    | 78072 |
| SL-103 (Same as Permit 11H Tract 15)           | Clifton Wheeler, Jr.                                                | PO Box 1676                      | George West | TX    | 78022 |
| SL-106 (Same as Permit 11H Tract 11)           | Marnie Reyes Garcia                                                 | PO Box 855                       | Pleasanton  | TX    | 78064 |
| SL-107                                         | Margaret Stephenson                                                 | PO Box 522                       | Tilden      | TX    | 78072 |
| SL-108                                         | Wayde N. Swain                                                      | 115 Tyler Ranch Road             | Jourdanton  | TX    | 78023 |
| SL-109                                         | Tyler Ranch Partners, Ltd.                                          | PO Box 123                       | Tilden      | TX    | 78072 |
| SL-110                                         | Marci Mahoney                                                       | 395 CR 328                       | Jourdanton  | TX    | 78026 |
| SL-110                                         | JoAnn Mahoney                                                       | 665 CR 328                       | Jourdanton  | TX    | 78026 |
| SL-110                                         | Michael Mahoney                                                     | PO Box 102                       | Pleasanton  | TX    | 78064 |
| SL-110                                         | Mark Mahoney                                                        | 8302 Crescent Knolls Dr.         | Richmond    | TX    | 77406 |
| SL-111                                         | DTB Investments LP, c/o Quinten Scott                               | 28615 IH-10 W                    | Boerne      | TX    | 78006 |
| SL - 111A                                      | Tyler Ranch Partners, Ltd.                                          | PO Box 123                       | Tilden      | TX    | 78072 |
| SL-112 (Same as Permit X, Y, and Z Tract 5076) | Nancy Wheeler Plunlee                                               | P.O. Box 150                     | Giddings    | TX    | 78942 |
| SL-113 (Same as Permit X, Y, and Z Tract 1786) | Su-Tian Ranch, Ltd.                                                 | 2009 Countiss Rd.                | Jourdanton  | TX    | 78026 |
| SL-114                                         | Gayle Crain Kuykendall, Trustee of the Gayle Crain Kuykendall Trust | 132 Auburn Place                 | San Antonio | TX    | 78209 |
| SL-115                                         | State of Texas, General Land Office                                 | 1700 N. Congress Ave., Suite 640 | Austin      | TX    | 78701 |
| SL-116                                         | Roger Elizondo                                                      | 2502 Brown Avenue                | Jourdanton  | TX    | 78026 |
| SL-117                                         | Donald Haynes, Jr.                                                  | PO Box 543                       | Tilden      | TX    | 78072 |
| SL-118                                         | Donald Haynes, Jr.                                                  | PO Box 543                       | Tilden      | TX    | 78072 |
| SL-119                                         | DTB Investments LP                                                  | PO Box 2066                      | Bandera     | TX    | 78003 |
| SL-121                                         | McMullen Four K General Partnership, c/o Alvin Kassner              | 219 Countrywood                  | San Antonio | TX    | 78216 |

THE HONORABLE DAWN BUCKINGHAM  
TEXAS SENATE  
DISTRICT ROOM E1.808  
TEXAS STATE CAPITOL  
Dawn.buckingham@senate.texas.gov

THE HONORABLE ROLAND GUTIERREZ  
TEXAS SENATE  
DISTRICT ROOM E1.608  
TEXAS STATE CAPITOL  
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THE HONORABLE JUDITH ZAFFIRINI  
TEXAS SENATE  
DISTRICT 21 ROOM 1E.14  
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THE HONORABLE RYAN GUILLEN  
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THE HONORABLE TRACY O KING  
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CITY OF CHRISTINE  
HEALTH OFFICIAL  
PO BOX 238  
CHRISTINE TX 78012-0238

CITY OF CHRISTINE  
MAYOR  
PO BOX 238  
CHRISTINE TX 78012-0238

*city*

RESOURCE RECOV MANGR  
ALAMO AREA COUNCIL OF GOVERNME  
8700 TESORO DR STE 160  
SAN ANTONIO TX 78217-6221

ATASCOSA COUNTY HEALTH DEPT  
101 COURTHOUSE CIRCLE DR  
JOURDANTON TX 78026

ATASCOSA COUNTY JUDGE  
1 COURTHOUSE CIRCLE DR STE 101  
JOURDANTON TX 78026-3446

CITY OF CORPUS CHRISTI  
WATER DIVISION  
PO BOX 9277  
CORPUS CHRISTI TX 78469-9277

COASTAL BEND COUNCIL OF GOVERN  
PO BOX 9909  
CORPUS CHRISTI TX 78469-9909

MCMULLEN COUNTY JUDGE  
COUNTY COURTHOUSE  
PO BOX 237  
TILDEN TX 78072-0237

NUECES RIVER AUTHORITY  
539 CRYSTAL CITY HWY  
UVALDE TX 78801-6127

GENERAL MANAGER  
SAN ANTONIO RIVER AUTHORITY  
100 E GUENTHER  
SAN ANTONIO TX 78204-1401

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

PUBLIC HEALTH REGION 8  
TEXAS DEPARTMENT OF STATE HEAL  
7430 LOUIS PASTEUR DR  
SAN ANTONIO TX 78229-4507

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

US ARMY CORPS OF ENGINEERS REG  
CESWS-PER-R  
PO BOX 17300  
FORT WORTH TX 76102-0300

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
4444 CORONA DR STE 215  
CORPUS CHRISTI TX 78411-4300

RUSSELL LABUS MANAGER  
EVERGREEN UNDERGROUND WATER CO  
110 WYOMING BLVD  
PLEASANTON TX 78064-4463

LONNIE STEWART MANAGER  
MCMULLEN GROUNDWATER CONSERVAT  
PO BOX 232  
TILDEN TX 78072-0232

*county*

MARCIE ALEXANDER  
ENVIRONMENTAL INTEGRITY PROJECT  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

DEVIN D BENSON  
BENSON & JONES PLLC  
STE 550  
745 E MULBERRY AVE  
SAN ANTONIO TX 78212-3163

BRENT A ELLIOTT DIRECTOR  
RAILROAD COMMISSION OF TEXAS  
PO BOX 12967  
AUSTIN TX 78711-2967

LEONARD G GARCIA  
2705 LONG LASSO PASS  
LEANDER TX 78641-3425

LEONARD G GARCIA  
10105 GRAND OAK DR  
AUSTIN TX 78750-3806

SCOTT R HALTY  
SAN ANTONIO WATER SYSTEM  
PO BOX 2449  
SAN ANTONIO TX 78298-2449

AMY A HESSELTINE PE  
LNV ENGINEERING  
STE 300  
801 NAVIGATION BLVD  
CORPUS CHRISTI TX 78408-2600

MR & MRS MARK MUND  
852 CUT OFF RD  
FREDERICKSBURG TX 78624-6450

KEVIN REESE WATER QUALITY SPECIALIST  
NUECES RIVER AUTHORITY  
602 N STAPLES ST STE 280  
CORPUS CHRISTI TX 78401-1015

LOUIS T ROSENBERG  
LAW OFFICE OF LOUIS T ROSENBERG PC  
1024 C ST  
FLORESVILLE TX 78114-2224

STEVEN SMELTZER  
ALAMO AREA COUNCIL OF GOVERNMENTS  
STE 160  
8700 TESORO DR  
SAN ANTONIO TX 78217-6208

STEVEN SMELTZER  
ALAMO AREA COUNCIL OF GOVERNMENTS  
STE 110  
2700 NE LOOP 410  
SAN ANTONIO TX 78217-4840

MR & MRS BOB ULRICH  
1873 BRONDER RD  
PLEASANTON TX 78064-6771

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 7, 2022

Mr. David Burris  
San Miguel Electric Cooperative, Inc.  
P.O. Box 280  
Jourdanton, Texas 78026

RE: Declaration of Administrative Completeness  
Applicant Name: San Miguel Electric Cooperative, Inc. (CN600132278)  
Permit No.: WQ0002043000 (EPA I.D. No. TX0083445)  
Site Name: San Miguel Lignite Mine (RN100226539)  
Type of Application: Major Amendment

Dear Mr. Burris

The executive director has declared the above referenced application, received on April 4, 2022, administratively complete on June 7, 2022.

You are now required to publish notice of your proposed activity and make a copy of the application available for public review. The following items are included to help you meet the regulatory requirements associated with this notice:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Public Notice Verification Form
- Publisher's Affidavits

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

1. Publish the enclosed notice within **30 calendar days** after your application is declared administratively complete. (See this letter's first paragraph for the declaration date.) **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**
2. On or before the date you publish notice, place a copy of your permit application in a public place in the county where the facility is or will be located. This copy must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place throughout the comment period.

Declaration of Administrative Completeness

Page 2

June 7, 2022

3. For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.
4. Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended, or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at (512) 239-0600. If you have any questions regarding the content of the notice, please contact Ms. Leah Whallon at (512) 239-0084.

Sincerely,



Erika Crespo, Assistant Deputy Director  
Water Quality Division

EC/lcw

Enclosures

**Texas Commission on Environmental Quality**  
**Instructions for Public Notice for a Water Quality Permit**  
**Notice of Receipt of Application and Intent to Obtain Permit (NORI)**

Your application has been declared administratively complete. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

**1. REVIEW THE NOTICE FOR ACCURACY**

**Read the enclosed notice carefully and notify the Application Review and Processing Team at 512-239-4671 immediately if it contains any errors or omissions.** You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

**2. PUBLISH THE NOTICE IN THE NEWSPAPER**

**You must publish the enclosed notice within 30 days after the date of administrative completeness.** Refer to the cover letter for the date of administrative completeness.

You must publish the enclosed notice at your expense, at least once in the newspaper of largest circulation within each county where the facility and discharge point are located or will be located. If the facility and discharge point are located or will be located in a municipality, the enclosed notice must be published at least once in a newspaper of general circulation in the municipality. These requirements may be satisfied by one publication if the newspaper meets all of the above requirements.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

**3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

**You must publish notice in an alternative language IF:** either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at [http://www.tceq.texas.gov/permitting/wastewater/review/wqspanish\\_nori.html](http://www.tceq.texas.gov/permitting/wastewater/review/wqspanish_nori.html). If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

#### **4. PUT THE APPLICATION IN A PUBLIC PLACE**

**You must put a copy of the administratively complete application in the public place identified in the enclosed notice.**

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place for the publication's designated comment period.

During the technical review, you must update the publicly available application so that it includes all application revisions within 10 business days from the date the revision is transmitted to the TCEQ.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

#### **5. PROVIDE PROOF OF PUBLICATION**

**For each newspaper in which you published, you must submit proof of publication.** Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the



image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

**If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).**

**6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION**

**You must submit a completed Public Notice Verification Form (enclosed) which certifies that the administratively complete application was placed at the public place identified in the enclosed notice.**

**7. SUBMIT PROOFS TO TCEQ**

**The proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) must be submitted to TCEQ within 30 days of publication.**

By email to: [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov)

OR by mail at:

TCEQ

Office of the Chief Clerk, MC 105

Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-3087

NOTE: If proofs are submitted by email, you do not have to mail in the original documents.

**Additional Information**

**If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).**

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at [http://www.tceq.texas.gov/agency/cc/cc\\_db.html](http://www.tceq.texas.gov/agency/cc/cc_db.html) or <http://www.tceq.texas.gov/agency/cc/eda.html>. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT AMENDMENT

**PERMIT NO. WQ0002043000**

**APPLICATION.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026, which owns a surface lignite mining operation, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002043000 (EPA I.D. No. TX0083445) to authorize the expansion of lignite mining activities including: the addition of new mining area X,Y,Z; the addition of five proposed treatment ponds (X-1, X-2, Y-1, Z-1, and Z-2); the addition of five proposed outfall locations (055, 056, 058, 059, and 060); a revision of mining area 11H; the addition of proposed treatment pond O; and the addition of proposed outfall 057; each of which will discharge mine pit water, mine depressurization water, and stormwater runoff at an intermittent and flow variable rate. The facility is located at 6200 Farm-to-Market Road 3387, Christine, in Atascosa and McMullen Counties, Texas 78012. The discharge routes are via Outfalls 001-006 to an unnamed tributary, thence to Caballos Creek, thence to Souse Creek, thence to La Parita Creek; via Outfall 007 to an unnamed tributary, thence to La Parita Creek; via Outfall 009 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfall 010 to an unnamed tributary, thence to Christine Creek, thence to Metate Creek, thence to La Parita Creek; via Outfalls 011-019 to unnamed tributaries, thence to La Parita Creek; via Outfalls 008, 020-023 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 024-028 to an unnamed tributary, thence to Souse Creek, thence to La Parita Creek; via Outfalls 029-030 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfall 031 to an unnamed tributary, thence to Metate Creek, thence to La Parita Creek; via Outfalls 032-033 to unnamed tributaries; via Outfalls 034-035 to an unnamed ditch, thence to an unnamed tributary; and via Outfall 057 to an unnamed tributary, thence to La Parita Creek; thence all to the Atascosa River; via Outfall 050 to Hog Creek, thence to La Jarita Creek; via Outfall 51 to an unnamed tributary, thence to La Jarita Creek; via Outfall 052 to an unnamed ditch, thence to La Jarita Creek; via Outfall 053 to an unnamed tributary; via Outfall 054 to pipe culvert, thence to a ditch, thence to an unnamed tributary; via Outfall 055 to Bruce Branch; via Outfall 056 to Far Live Oak Creek; thence all to San Miguel Creek; via Outfall 058 to Ditch CD Z-2A, thence to Bill Walker Creek, thence to Leoncita Creek; via Outfall 059 to Bill Walker Creek, thence to Leoncita Creek; via Outfall 060 to Ditch CD Z-1A, thence to Bill Walker Creek, thence to Leoncita Creek; thence all to the Frio River Above Choke Canyon Reservoir. TCEQ received this application on April 4, 2022. The permit application is available for viewing and copying at the Atascosa County Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County and at McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of8168250f&marker=-98.476944%2C28.704444&level=12>

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing.** A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from San Miguel Electric Cooperative, Inc. at the address stated above or by calling Mr. David Burris at 830-784-3411.

Issuance Date: June 7, 2022



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Receipt of Application and Intent to Obtain Permit**  
**(NORI)**  
**Water Quality Permit**

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**All applicants must complete this page.**

Applicant Name:

Site or Facility Name:

Water Quality Permit Number:

Regulated Entity Number: RN  Customer Number: CN

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**PUBLIC VIEWING LOCATION**

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I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place:

Address of Public Place:

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Receipt of Application and Intent to Obtain Permit**  
**(NORI)**  
**Water Quality Permit**

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**Complete this page only if you are required to publish in an alternative language and are not able to do so.**

Applicant Name: [REDACTED]

Site or Facility Name: [REDACTED]

Water Quality Permit Number: [REDACTED]

Regulated Entity Number: RN [REDACTED] Customer Number: CN [REDACTED]

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**ALTERNATIVE LANGUAGE EXEMPTION**

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I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:



A newspaper or publication could not be found in any of the alternative languages in which notice is required.



The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: [REDACTED]

Language: [REDACTED]

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name: San Miguel Electric Cooperative, Inc.  
Permit No.: WQ0002043000

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

00123

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
P.O. BOX 13087  
AUSTIN, TX 78711-3087

Applicant Name: San Miguel Electric  
Cooperative, Inc.  
Permit No.: WQ0002043000

**ALTERNATIVE LANGUAGE  
PUBLISHER'S AFFIDAVIT**

STATE OF TEXAS                    §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary public, on this day personally appeared

\_\_\_\_\_, who being by me duly sworn, deposes  
*(name of person representing newspaper)*

and says that (s)he is the \_\_\_\_\_ of the  
*(title of person representing newspaper)*

\_\_\_\_\_; that said newspaper is  
*(name of newspaper)*

generally circulated in \_\_\_\_\_ County, Texas and  
*(same county as proposed facility)*

is published primarily in \_\_\_\_\_ language; that the  
*(alternative language)*

enclosed notice was published in said newspaper on the following date(s):

\_\_\_\_\_.

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, by \_\_\_\_\_  
*(newspaper representative's signature)*

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_



# Comisión de Calidad Ambiental del Estado de Texas



## AVISO DE RECIBO DE LA SOLICITUD E INTENCION DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA MODIFICACION

**PERMISO NO. WQ0002043000**

**SOLICITUD.** San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026 ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) para modificar el Permiso No. WQ00 WQ0002043000 (EPA I.D. No. TX0083445) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la expansión de las actividades de extracción de lignito, incluyendo: la adición de una nueva área de extracción X,Y,Z; la adición de cinco estanques de tratamiento propuestos (X-1, X-2, Y-1, Z-1 y Z-2); la adición de cinco ubicaciones de emisarios propuestas (055, 056, 058, 059 y 060); una revisión del área minera 11H; la adición del estanque de tratamiento propuesto O; y la adición del emisario propuesto 057; cada uno de los cuales descargará agua del tajo de la mina, agua de despresurización de la mina y escorrentía de aguas pluviales a una tasa intermitente y de flujo variable. La instalación está ubicada en 6200 Farm-to-Market Road 3387, Christine, en los condados de Atascosa y McMullen, Texas 78012. Las rutas de descarga son a través de emisarios 001- 006 a un afluente sin nombre, de allí a Caballos Creek, de allí a Souse Creek, de allí al arroyo La Parita; a través del Emisario 007 a un afluente sin nombre, de ahí a La Parita Creek; a través del Emisario 009 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través del Emisario 010 a un afluente sin nombre, de allí a Christine Creek, de allí a Metate Creek, de allí a La Parita Creek; a través de Emisarios 011-019 a afluentes sin nombre, de allí a La Parita Creek; vía Emisarios 008, 020-023 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; a través de Emisarios 024-028 a un afluente sin nombre, de allí a Souse Creek, de allí a La Parita Creek; vía Emisarios 029-030 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; vía Emisario 031 a un afluente sin nombre, de allí a Metate Creek, de allí a La Parita Creek; a través de Emisarios 032-033 a afluentes sin nombre; a través de Emisarios 034-035 a una zanja sin nombre, de allí a un afluente sin nombre; y vía Emisario 057 a un afluente sin nombre, de allí a La Parita Creek; de allí todo al río Atascosa; vía Emisario 050 a Hog Creek, de allí a La Jarita Creek; a través del Emisario 51 a un afluente sin nombre, de allí al arroyo La Jarita; vía el Emisario 052 por una zanja sin nombre, de allí al Arroyo La Jarita; vía Emisario 053 a un afluente sin nombre; a través del Emisario 054 a la alcantarilla, de allí a una zanja, de allí a un afluente sin nombre; vía Emisario 055 a Bruce Branch; a través del emisario 056 hasta Far Live Oak Creek; de allí todo a San Miguel Creek; vía Emisario 058 una Zanja CD Z- 2A, de allí a Bill Walker Creek, de allí a Leoncita Creek; vía Emisario 059 a Bill Walker Creek, de allí a Leoncita Creek; a través del Emisario 060 hasta la Zanja CD Z-1A, de allí a Bill Walker Creek, de allí a Leoncita Creek; de allí todo al río Frio sobre el embalse de Choke Canyon. TCEQ recibió esta solicitud el día 4 de Abril, 2022. La solicitud para el permiso está disponible para leer y copiar en Atascosa County

Courthouse, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas in Atascosa County y en McMullen County Courthouse, 501 River Street, Tilden, Texas in McMullen County Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.476944%2C28.704444&level=12>

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. **El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.**

**COMENTARIO PUBLICO / REUNION PUBLICA.** Usted puede presentar **comentarios públicos o pedir una reunión pública sobre esta solicitud.** El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

**OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todos los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS:** su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de

**la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.**

**Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.**

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas de correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

**CONTACTOS E INFORMACIÓN A LA AGENCIA.** Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional de San Miguel Electric Cooperative, Inc. a la dirección indicada arriba o llamando a Sr. David Burris al 830-784-3411.

Fecha de emisión el 7 de junio de 2022

### Adjacent Landowners Shown On Maps 3 And 4

| <u>Tract #</u>           | <u>Owner</u>                               | <u>County (1)</u> |
|--------------------------|--------------------------------------------|-------------------|
| 4379-4381                | Ida Mae Henry Kaiser                       | A                 |
| 4393-4395                | P.O. Box 246                               |                   |
| 4408A-4409A              | Jourdanton , Texas 78026                   |                   |
| A-948/SV-7               | Dornak Ranch 1938 LLC                      | A                 |
|                          | Jeffrey Dale Dornak                        |                   |
|                          | 14100 Avery Ranch Blvd #203                |                   |
|                          | Austin, TX 78717                           |                   |
| A-968/SV-12              | Robert F. Adams Estate                     | A                 |
| A-956/SV-17              | Clarice A. Droughton "Temp Away"           |                   |
|                          | 4130 Glenshire St.                         |                   |
|                          | Houston, TX 77025                          |                   |
| 3775                     | Leigh J. Rice and Malaina A. Johnson       | A                 |
|                          | 13 Windemere Ct.                           |                   |
|                          | Fort Walton Beach, FL 32547                |                   |
| A-477/SV-1717,           | DJH Ranching, LP                           | A                 |
| A-469/SV-1720 (Same as   | c/o Mr. Edwin H. Knight, Jr.               |                   |
| Permit 52A Tract C-16)   | 712 Main St., Ste 1900                     |                   |
|                          | Houston, TX 77002-3220                     |                   |
| A-1631/SV-2 (Same as     |                                            |                   |
| Permit 52A Tract C-14)   |                                            |                   |
| A-1660/SV-77 (Same as    |                                            |                   |
| Permit 52A Tract C-19)   |                                            |                   |
| A-427/SV-633             |                                            |                   |
| A-1617/SV-2              | WYE Ranch, LTD                             | A                 |
|                          | P.O. Box 12632                             |                   |
|                          | San Antonio, TX 78212                      |                   |
| 1, 11 (Same as Permit 60 | Marnie Rayes Garcia                        |                   |
|                          | P.O. Box 855                               | A&M               |
|                          | Pleasanton, TX 78064                       |                   |
| A-956/SV-17              | The Patrick Rayes Family Partnership, LTD. | A                 |
|                          | A Texas Limited Partnership                |                   |
|                          | P.O. Box 195429                            |                   |
|                          | Dallas, TX 75219-8607                      |                   |
| 3741-3748                | San Miguel Plant                           | A                 |
| 4177-4179                | San Miguel Electric Coop., Inc.            |                   |

### Adjacent Landowners Shown On Maps 3 And 4

| <u>Tract #</u>   | <u>Owner</u>                                                                                                                                                                                                                              | <u>County (1)</u> |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|                  | P.O. Box 280<br>Jourdanton, Texas 78026<br>Tracts listed are adjacent to Permit Boundary<br>334.56 Acres<br>Volume 423, Pages 347-350 (Atascosa County)                                                                                   |                   |
| 4191             | San Miguel Plant Water Well Sites                                                                                                                                                                                                         | A                 |
| 4407, 4423       | San Miguel Electric Coop., Inc.<br>4832-4833 P.O. Box 280<br>Jourdanton, Texas 78026<br>8-one Acre Sites<br>Volume 516, Pages 334 -345 (Atascosa County)<br>(Only three (3) of the sites are contiguous to the proposed Permit Boundary). |                   |
| 14, 18           | San Miguel Electric Coop., Inc.                                                                                                                                                                                                           | M                 |
| 4720-4723        | P.O. Box 280                                                                                                                                                                                                                              | M                 |
| 4728-4731        | Jourdanton, Texas 78026                                                                                                                                                                                                                   | A                 |
| 4750             |                                                                                                                                                                                                                                           | A                 |
| 4762             |                                                                                                                                                                                                                                           | A                 |
| 4599-4601        |                                                                                                                                                                                                                                           | A                 |
| 4060 1/2         |                                                                                                                                                                                                                                           | A                 |
| 8                |                                                                                                                                                                                                                                           | A                 |
| 3880, 4430       |                                                                                                                                                                                                                                           | A                 |
| 4207-4208        |                                                                                                                                                                                                                                           | A                 |
| 3,16             | A.M. Peeler, Jr.                                                                                                                                                                                                                          | A                 |
| A-1295/SV-16 (a) | 100 La Parita Road                                                                                                                                                                                                                        |                   |
| 3372-3375        | Jourdanton, Texas 78026                                                                                                                                                                                                                   |                   |
| A-938/SV-20      |                                                                                                                                                                                                                                           |                   |
| 3384-3388        |                                                                                                                                                                                                                                           |                   |
| 3391-3392        |                                                                                                                                                                                                                                           |                   |
| 3404-3407        |                                                                                                                                                                                                                                           |                   |
| 3407-3408        |                                                                                                                                                                                                                                           |                   |
| 2885-2887        |                                                                                                                                                                                                                                           |                   |
| 2901-2903        |                                                                                                                                                                                                                                           |                   |
| 2907             |                                                                                                                                                                                                                                           |                   |
| 2918-2926        |                                                                                                                                                                                                                                           |                   |
| 2942-2945        |                                                                                                                                                                                                                                           |                   |
| 3400             |                                                                                                                                                                                                                                           |                   |
| 3418-3420        |                                                                                                                                                                                                                                           |                   |
| 3423             |                                                                                                                                                                                                                                           |                   |
| 3432-3433        |                                                                                                                                                                                                                                           |                   |
| 3435-3447        |                                                                                                                                                                                                                                           |                   |
| 3449-3450        |                                                                                                                                                                                                                                           |                   |

# Adjacent Landowners Shown On Maps 3 And 4

| <u>Tract #</u>  | <u>Owner</u>           | <u>County (1)</u> |
|-----------------|------------------------|-------------------|
| 3464-3466       |                        |                   |
| 3725-3732       |                        |                   |
| 3741            |                        |                   |
| 3757            |                        |                   |
| 3773-3777       |                        |                   |
| 3793, 4799      |                        |                   |
| 4783            |                        |                   |
| 3809-3815       |                        |                   |
| 3842-3844       |                        |                   |
| 3855-3858       |                        |                   |
| 3868-3871       |                        |                   |
| 3881-3884       |                        |                   |
| 3895-3896       |                        |                   |
| 3925-3928       |                        |                   |
| 3912            |                        |                   |
| 3925-3928       |                        |                   |
| 4161-4176       |                        |                   |
| 4180-4182       |                        |                   |
| 4184-4186,      |                        |                   |
| 4188-4191, 4196 |                        |                   |
| 4207, 4208      |                        |                   |
| 4405-4409       |                        |                   |
| 4414-4422       |                        |                   |
| 4431-4435       |                        |                   |
| 4446            |                        |                   |
| 4794, 4795      |                        |                   |
| 4810-4815       |                        |                   |
| 4821-4827       |                        |                   |
| 4832-4838       |                        |                   |
| 4844-4848       |                        |                   |
| 6555            |                        |                   |
| 3443            | Peeler, Jason Byron    | A                 |
| 4183            | 3007 FM 539            |                   |
| 4187            | Floresville, TX 78114  |                   |
| 3867            |                        |                   |
| 3424            |                        |                   |
| 3447            |                        |                   |
| 3925            |                        |                   |
| 3911            |                        |                   |
| 3811            |                        |                   |
| 4795a           | EOG Resources INC      | A                 |
|                 | PO Box 4362            |                   |
|                 | Houston, TX 77210-4362 |                   |
| 4943-4944       | Seventy Four Ranch     |                   |

### Adjacent Landowners Shown On Maps 3 And 4

| <u>Tract #</u>                         | <u>Owner</u>                                                                                                        | <u>County (1)</u> |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------|
| 4948-4950                              | c/o Benchmark AD Valorem                                                                                            | A                 |
| 4954-4956                              | P.O. Box 700925                                                                                                     |                   |
| 4961-4962                              | San Antonio, TX 78270                                                                                               |                   |
| 4969, 4974                             |                                                                                                                     |                   |
| 4979-4981                              |                                                                                                                     |                   |
| A-1294/SV-322                          |                                                                                                                     |                   |
| A-938/SV-20                            |                                                                                                                     |                   |
| A-765/SV-1322                          |                                                                                                                     |                   |
| A-223/SV-26                            |                                                                                                                     |                   |
| A-681/SV-1320                          |                                                                                                                     |                   |
| A-268/SV-171                           |                                                                                                                     |                   |
| A-968/SV-31                            |                                                                                                                     |                   |
|                                        |                                                                                                                     |                   |
| 7                                      | MBF HOLDINGS MCMULLEN CO.<br>600 Round Rock Dr. West #103<br>Round Rock, TX 78681                                   | M                 |
|                                        |                                                                                                                     |                   |
| 4738, 4739                             | Dicke Frankie Henry                                                                                                 | A                 |
| 4750, 4729                             | Life Estate                                                                                                         |                   |
| 4730, 4731                             | P.O. Box 446                                                                                                        |                   |
| 4721, 4722                             | Uvalde, TX 78802                                                                                                    |                   |
| 4740, 4741                             |                                                                                                                     |                   |
| 4728                                   |                                                                                                                     |                   |
| 4720                                   |                                                                                                                     |                   |
| 4723                                   |                                                                                                                     |                   |
| A-1191/SV-3                            |                                                                                                                     |                   |
|                                        |                                                                                                                     |                   |
| 4599                                   | James A. & Nancy L. Mathews<br>Trustees of James & Nancy Rev. Living Trust<br>2002 Delwood Dr.<br>Abilene, TX 79603 | A                 |
|                                        |                                                                                                                     |                   |
| 4603-4606                              | Laura Jane Elder and Linda Gail Weed<br>P.O. Box 1239<br>Uvalde, TX 78802                                           | A                 |
|                                        |                                                                                                                     |                   |
| 15 (Same as Permit 60<br>Tract SL-103) | Plumlee, Nancy Wheeler<br>P.O. Box 150<br>Giddings, TX 78942                                                        | M                 |

A = Atascosa County  
M = McMullen County

**Adjacent Landowners Shown on Map 5**

| Tract No.                                            | Owner                                                      |                                                             | County |
|------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------|--------|
| C-1                                                  | Seventy Four Ranch<br>c/o Benchmark AD Velorem             | P.O Box 700925<br>San Antonio, TX 78270                     | A      |
| C-2, C-3, C-5                                        | DJ Ranching, LP<br>c/o Mr. Edwin H. Knight, Jr.            | 712 Main St., Ste. 1900<br>Houston, TX 77002-3220           | A      |
| C-15, C-16 (Same<br>as Permit 11H A-<br>469/SV-1720) |                                                            |                                                             |        |
| C-19 (Same as<br>Permit 11H A-<br>1660/SV-77)        |                                                            |                                                             |        |
| C-7                                                  | Riverview Enterprises, LLC<br>c/o Roderick & Joseph Sauter | 34 Redbud Ridge Place<br>Spring, TX 77830                   | A      |
| C-9, C-24, C-25                                      | Herald Moursund<br>c/o Mrs. C.E. Dickinson                 | PMB 164; 1042-B N. El<br>Camino Real<br>Encinitas, CA 92024 | A      |
| C-11                                                 | Dora Rutherford                                            | P.O. Box 247<br>Pleasanton, TX 78064                        | A      |
| C-12                                                 | Ralph Sauter                                               | 960 Ponderosa Dr.<br>New Braunfels, TX 78132                | A      |
| C-13                                                 | Ruth Tymrak                                                | P.O. Box 162<br>Campbellton, TX 78008                       | A      |
| C-14, C-22                                           | Charlotte B. Warren                                        | 179 E. Elmview<br>San Antonio, TX 78212                     | A      |
| C-10, C-17, C-23                                     | WYE Ranch Ltd.                                             | P.O Box 12632<br>San Antonio, TX 78212                      | A      |