

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED BY WATER USE PERMIT NO. 12292

Jewett Mine LLC seeks authorization to extend the time to complete construction of five reservoirs, located on Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity River Basin for recreational, domestic, and livestock purposes in Freestone and Leon Counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Jewett Mine LLC, P.O. Box 915, Jewett, Texas 75846, Applicant/Permittee, has applied to the Texas Commission on Environmental Quality (TCEQ) for an extension of time pursuant to Texas Water Code § 11.145, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Trinity River Basin pursuant to Title 30 TAC § 295.159(a).

Water Use Permit No. 12292 authorizes Jewett Mine LLC (Permittee/Applicant) to construct and maintain five reservoirs with a combined normal capacity of 5,469 acre-feet of water on Buffalo Creek, tributary of Upper Keechi Creek, tributary of Trinity River; Bow Branch, tributary of Alligator Creek, tributary of Buffalo Creek; Rena Branch, tributary of Alligator Creek; Taylor Springs Branch, tributary of Silver Creek, tributary of Alligator Creek; and Silver Creek, Trinity River Basin in Freestone and Leon counties for recreational, domestic, and livestock purposes in Zip Code 78456. The time priority of this water right is December 3, 2009.

Multiple special conditions and time limitations apply, including the requirement to complete construction of the five reservoirs within three years of the issuance of this permit on November 13, 2015.

Permittee has previously been granted three orders extending the time to complete construction of the five reservoirs. The current order, issued August 10, 2023, required Permittee to complete construction by December 31, 2024.

Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2026.

The application was received on December 17, 2024, and fees were received on January 16, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 28, 2025.

The Executive Director has determined that the applicant has shown due diligence and justification for delay. In the event a hearing is held on this application, the Commission shall also consider whether the authorization for the appropriation shall be forfeited for failure to demonstrate sufficient due diligence and justification for delay.

The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to complete construction of the five reservoirs. The application, technical memoranda and Executive Director's draft Order are available for viewing on the TCEQ web page at:

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should 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/epic/eComment/> by entering WRPERM 12292 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: April 18, 2025

Natalia Ponebshek

From: Altavilla, Michael [REDACTED]
Sent: Wednesday, April 9, 2025 5:38 PM
To: Natalia Ponebshek
Cc: Chris Kozlowski; Humberto Galvan; Harris, Joe
Subject: RE: Jewett Mine, LLC WRPERM 12292 Draft Order

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Ponebshek,

My staff and I have reviewed the draft public notice and the extension of time order for the Jewett Mine LLC, application No. 12292, and have no comments or concerns, you can proceed as necessary.

In addition, could you email me a copy of the WR12292 extension approval letter dated August 10, 2023? We cannot seem to locate the approval letter in our permitting files.

Thank you.

Mike



Michael G. Altavilla
Mine Manager
Development, Engineering & Construction
Jewett Mine LLC
4336 FM 39 S | P.O. Box 915
Jewett, TX 75846
Office: 903-626-6387
Mobile: 979-777-8101
[REDACTED]

Note: The information contained in this e-mail and any accompanying documents may contain information that is confidential or otherwise protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message, including any attachments. Any dissemination, distribution or other use of the contents of this message by anyone other than the intended recipient is strictly prohibited.

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, April 1, 2025 1:56 PM
To: Altavilla, Michael [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Jewett Mine, LLC WRPERM 12292 Draft Order

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please review the draft order and notice for Jewett Mine, LLC WRPERM 12292 and provide a response by April 15, 2025. Please let me know if you have any questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Brooke T. Paup, *Chairwoman*
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, 2025

Mr. Michael G. Altavilla
Jewett Mine LLC
P.O. Box 915
Jewett, TX 75846-0915

VIA E-MAIL

RE: Jewett Mine LLC
WRPERM 12292
CN605660984, RN105444467
Application for an Extension of Time to Complete Construction for Water Use Permit
No. 12292
Texas Water Code § 11.145, Mailed and Published Notice Required
Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity
River Basin
Freestone and Leon Counties

Dear Mr. Altavilla:

Drafts, subject to revision, of the order, public notice, and related technical memorandum are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than April 15, 2025, with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

This application requires a 30-day comment period and once the comment period has closed, the proposed order may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at natalia.ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER extending the time for Jewett Mine LLC to complete construction of five reservoirs with a combined normal capacity of 5,469 acre-feet of water on Buffalo Creek, tributary of Upper Keechi Creek, tributary of the Trinity River; Bow Branch, tributary of Alligator Creek, tributary of Buffalo Creek; Rena Branch, tributary of Alligator Creek; Taylor Springs Branch, tributary of Silver Creek, tributary of Alligator Creek; and Silver Creek, Trinity River Basin as authorized by Water Use Permit No. 12292.

An application by Jewett Mine LLC was presented to the Executive Director of the Texas Commission on Environmental Quality for consideration of approval. The application requests authorization to extend the time to complete the construction of five reservoirs with a combined normal capacity of 5,469 acre-feet of water on Buffalo Creek, tributary of Upper Keechi Creek, tributary of the Trinity River; Bow Branch, tributary of Alligator Creek, tributary of Buffalo Creek; Rena Branch, tributary of Alligator Creek; Taylor Springs Branch, tributary of Silver Creek, tributary of Alligator Creek; and Silver Creek, Trinity River Basin as authorized by Water Use Permit No. 12292. The Commission has previously granted three orders extending the time to complete construction of the five reservoirs. The current time limitation is to complete construction by December 31, 2024. The Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2026.

After considering the application and matters thereto related, the Executive Director has determined that the Applicant has shown reasonable diligence and there is reasonable cause for the delay.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that Jewett Mine LLC, as authorized by Water Use Permit No. 12292, shall complete construction of five reservoirs with a combined normal capacity of 5,469 acre-feet of water on Buffalo Creek, tributary of Upper Keechi Creek, tributary of the Trinity River; Bow Branch, tributary of Alligator Creek, tributary of Buffalo Creek; Rena Branch, tributary of Alligator Creek; Taylor Springs Branch, tributary of Silver Creek, tributary of Alligator Creek; and Silver Creek, Trinity River Basin as authorized by Water Use Permit No. 12292 by December 31, 2026.

All other terms and conditions contained in Water Use Permit No. 12292, which are not specifically contrary to the terms of this Order, shall remain in full force and effect.

For the Commission

DATE ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED BY WATER USE PERMIT NO. 12292

Jewett Mine LLC seeks authorization to extend the time to complete construction of five reservoirs, located on Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity River Basin for recreational, domestic, and livestock purposes in Freestone and Leon Counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Jewett Mine LLC, P.O. Box 915, Jewett, Texas 75846, Applicant/Permittee, has applied to the Texas Commission on Environmental Quality (TCEQ) for an extension of time pursuant to Texas Water Code § 11.145, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Trinity River Basin pursuant to Title 30 TAC § 295.159(a).

Water Use Permit No. 12292 authorizes Jewett Mine LLC (Permittee/Applicant) to construct and maintain five reservoirs with a combined normal capacity of 5,469 acre-feet of water on Buffalo Creek, tributary of Upper Keechi Creek, tributary of Trinity River; Bow Branch, tributary of Alligator Creek, tributary of Buffalo Creek; Rena Branch, tributary of Alligator Creek; Taylor Springs Branch, tributary of Silver Creek, tributary of Alligator Creek; and Silver Creek, Trinity River Basin in Freestone and Leon counties for recreational, domestic, and livestock purposes in Zip Code 78456. The time priority of this water right is December 3, 2009.

Multiple special conditions and time limitations apply, including the requirement to complete construction of the five reservoirs within three years of the issuance of this permit on November 13, 2015.

Permittee has previously been granted three orders extending the time to complete construction of the five reservoirs. The current order, issued August 10, 2023, required Permittee to complete construction by December 31, 2024.

Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2026.

The application was received on December 17, 2024, and fees were received on January 16, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 28, 2025.

The Executive Director has determined that the applicant has shown due diligence and justification for delay. In the event a hearing is held on this application, the Commission shall also consider whether the authorization for the appropriation shall be forfeited for failure to demonstrate sufficient due diligence and justification for delay.

The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to complete

construction of the five reservoirs. The application, technical memoranda and Executive Director's draft Order are available for viewing on the TCEQ web page at:

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps

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CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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Issued:

TCEQ Interoffice Memorandum

To: Natalia Ponebshek
Water Rights Permitting Team

From: Trina Lancaster, PE, Manager ^{1/6/25}
Dam safety Section, MC-177

Date: January 6, 2025

Subject: **Jewett Mine, LLC, Application for extension of time to complete construction of five reservoirs, Trinity River Basin, Freestone and Leon Counties.**

The applicant seeks an extension of time to complete construction of five reservoirs in Freestone and Leon Counties.

All five reservoirs were either formed, or will be formed, during reclamation activities associated with the lignite mining process. All of the ponds are incised ponds with embankments that are less than 6 feet high. Therefore, they are not considered dams under TAC Chapter 299.

There are no dam safety requirements that need to be met since no dams exist. There are no objections to the extension request.

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: January 28, 2025

SUBJECT: Jewett Mine LLC
WRPERM 12292
CN605660984, RN105444467
Application for an Extension of Time to Complete Construction for
Water Use Permit No. 12292
Texas Water Code § 11.145, Mailed and Published Notice Required
Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and
Silver Creek, Trinity River Basin
Freestone and Leon Counties

The application was received on December 17, 2024. Fees were received on January 16, 2025, and additional information was received on January 21, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 28, 2025. Published and mailed notice to water right holders of record in the Trinity River Basin is required pursuant to Title 30 Texas Administrative Code § 295.159(a).

All fees have been paid and the application is sufficient for filing.

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **YES** **NO**

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 28, 2025

Mr. Michael G. Altavilla
Jewett Mine LLC
P.O. Box 915
Jewett, TX 75846-0915

VIA E-MAIL

RE: Jewett Mine LLC
WRPERM 12292
CN605660984, RN105444467
Application for an Extension of Time to Complete Construction for Water Use Permit
No. 12292
Texas Water Code § 11.145, Mailed and Published Notice Required
Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity
River Basin
Freestone and Leon Counties

Dear Mr. Altavilla:

This acknowledges receipt, on January 16, 2025, of fees in the amount of \$1,1972.16 (Receipt Nos. M551337A and M551337B, copies attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on January 28, 2025. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

Natalia Ponebshek

From: Harris, Joe [REDACTED]
Sent: Tuesday, January 21, 2025 3:42 PM
To: Natalia Ponebshek
Cc: Altavilla, Michael
Subject: Jewett Mine LLC, WRPERM 12292, Application for an Extension of Time to Complete Construction, Response to Comment Letter Dated January 21, 2025
Attachments: 01-21-2025-12292-JMLLC-TCEQ-Water Rights Extension_Response to Comments Letter.pdf

Ms. Ponebshek,

Please see the attached letter for Jewett Mine LLC's, WRPERM 112292 responses to comments from letter dated January 21, 2025.

If you have any questions or need anything else, please let me know.

Thanks.

Joe D. Harris



Joe D. Harris
Planner II
JEWETT MINE LLC
4336 FM 39 S | P.O. Box 915
Jewett, Texas 75846
o: 903-626-6327
m: 903-388-4012

Note: The information contained in this e-mail and any accompanying documents may contain information that is confidential or otherwise protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message, including any attachments. Any dissemination, distribution or other use of the contents of this message by anyone other than the intended recipient is strictly prohibited.



JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

January 21, 2025

(Via email @natalia.ponebshek@tceq.texas.gov)
Natalia Ponebshek, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team
Water Rights Permitting and Availability Section
12100 Park 35 Circle
Austin, TX 78753

RE: Jewett Mine LLC
Water Use Permit Number 12292
CN 605660984, RN 105444467
Application for an Extension of Time to Complete Construction
Response to Comments by Letter Dated January 21,2025

Dear Ms. Ponebshek:

In response to letter dated January 21, 2025, check number 7089023, dated January 8, 2025, in the amount of \$1,972.16 for payment of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Use Permit Number 12292, was delivered to the Financial Administration Division, Cashier's Office, MC-124 on January 15, 2025. Also included is the completed Public Involvement Plan Form for Permit and Registration Applications (TCEQ-20960) as requested.

If you have any questions, please feel free to call. My number is 903.626.6387.

Sincerely,

A handwritten signature in blue ink that reads "Michael G. Altavilla". The signature is written in a cursive, flowing style.

Michael G. Altavilla
Mine Manager

Enclosures

Cc: Env. Serv. File
Joe D. Harris



Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

- New Permit or Registration Application
 New Activity - modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- Requires public notice,
 Considered to have significant public interest, and
 Located within any of the following geographical locations:
- Austin
 - Dallas
 - Fort Worth
 - Houston
 - San Antonio
 - West Texas
 - Texas Panhandle
 - Along the Texas/Mexico Border
 - Other geographical locations should be decided on a case-by-case basis

If all the above boxes are not checked, a Public Involvement Plan is not necessary.
Stop after Section 2 and submit the form.

- Public Involvement Plan not applicable to this application. Provide brief explanation.

Due to Lack of Public Interest.

Section 3. Application Information

Type of Application (check all that apply):

Air Initial Federal Amendment Standard Permit Title V

Waste Municipal Solid Waste Industrial and Hazardous Waste Scrap Tire
 Radioactive Material Licensing Underground Injection Control

Water Quality

- Texas Pollutant Discharge Elimination System (TPDES)
- Texas Land Application Permit (TLAP)
- State Only Concentrated Animal Feeding Operation (CAFO)
- Water Treatment Plant Residuals Disposal Permit
- Class B Biosolids Land Application Permit
- Domestic Septage Land Application Registration

Water Rights New Permit

- New Appropriation of Water
- New or existing reservoir

Amendment to an Existing Water Right

- Add a New Appropriation of Water
- Add a New or Existing Reservoir
- Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

City

County

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

Yes No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

Yes No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

Yes No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- Publish in alternative language newspaper
- Posted on Commissioner's Integrated Database Website
- Mailed by TCEQ's Office of the Chief Clerk
- Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

Yes No

(e) If a public meeting is held, will a translator be provided if requested?

Yes No

(f) Hard copies of the application will be available at the following (check all that apply):

- TCEQ Regional Office TCEQ Central Office
- Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

Yes No

What types of notice will be provided?

- Publish in alternative language newspaper
- Posted on Commissioner's Integrated Database Website
- Mailed by TCEQ's Office of the Chief Clerk
- Other (specify)

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, January 21, 2025 10:32 AM
To: [REDACTED]
Cc: Chris Kozlowski; Humberto Galvan
Subject: Jewett Mine, LLC WRPERM 12292 RFI Sent
Attachments: Jewett_Mine_12292_RFI_Sent_1.21.2025.pdf

Good morning,

Please find the attached request for information for the abovementioned application. A response is due by February 20, 2025. Please let me know if you have any questions regarding this request.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 21, 2025

Mr. Michael G. Altavilla
Jewett Mine LLC
P.O. Box 915
Jewett, TX 75846-0915

VIA E-MAIL

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No. 12292
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Buffalo Creek, Bow Branch, Rena Branch, Taylor Springs Branch, and Silver Creek, Trinity
River Basin
Freestone and Leon Counties

Dear Mr. Altavilla:

This acknowledges receipt, on December 17, 2024, of the referenced application.

Before the application can be declared administratively complete, remit fees in the amount of **\$1,972.16** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (5,001 to 10,000 acre-feet)	\$ 500.00
Recording Fee	\$ 12.50
Notice Fee (Trinity River Basin)	\$ 459.66
<u>Extension Fee</u>	<u>\$ 1,000.00</u>
TOTAL FEES	\$ 1,972.16
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
BALANCE DUE	\$ 1,972.16

Please provide the requested fees by February 20, 2025 or the application may be returned pursuant to 30 Texas Administrative Code § 281.18.

Additional information will be required prior to completion of technical review.

1. Provide a completed *Public Involvement Plan Form for Permit and Registration Applications* (TCEQ-20960), copy attached.

Mr. Michael G. Altavilla
WRPERM 12292
January 21, 2025
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at natalia.ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

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Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

- New Permit or Registration Application
 New Activity - modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- Requires public notice,
 Considered to have significant public interest, and
 Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

**If all the above boxes are not checked, a Public Involvement Plan is not necessary.
Stop after Section 2 and submit the form.**

- Public Involvement Plan not applicable to this application. Provide **brief** explanation.

Section 3. Application Information

Type of Application (check all that apply):

Air Initial Federal Amendment Standard Permit Title V

Waste Municipal Solid Waste Industrial and Hazardous Waste Scrap Tire
 Radioactive Material Licensing Underground Injection Control

Water Quality

- Texas Pollutant Discharge Elimination System (TPDES)
 - Texas Land Application Permit (TLAP)
 - State Only Concentrated Animal Feeding Operation (CAFO)
 - Water Treatment Plant Residuals Disposal Permit
- Class B Biosolids Land Application Permit
- Domestic Septage Land Application Registration

Water Rights New Permit

- New Appropriation of Water
- New or existing reservoir

Amendment to an Existing Water Right

- Add a New Appropriation of Water
- Add a New or Existing Reservoir
- Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

City

County

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

Yes No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

Yes No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

Yes No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- Publish in alternative language newspaper
- Posted on Commissioner's Integrated Database Website
- Mailed by TCEQ's Office of the Chief Clerk
- Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

Yes No

(e) If a public meeting is held, will a translator be provided if requested?

Yes No

(f) Hard copies of the application will be available at the following (check all that apply):

- TCEQ Regional Office TCEQ Central Office
- Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

Yes No

What types of notice will be provided?

- Publish in alternative language newspaper
- Posted on Commissioner's Integrated Database Website
- Mailed by TCEQ's Office of the Chief Clerk
- Other (specify)



Basis2 Receipt Report by Endorsement Number

JAN-21-25 04:04 PM

<u>Acct. #:</u>	<u>Account Name:</u>								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
PTGU RENEWAL	M551337B	12292	NRG ENERGY INC	CK	7089023		BS00113579	16-JAN-25	\$459.66

<u>Acct. #:</u>	<u>Account Name:</u>								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
WUP RENEWAL	M551337A	12292	NRG ENERGY INC	CK	7089023		BS00113579	16-JAN-25	\$1512.50



JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

December 13, 2024

(Via UPS Overnight Delivery)
Texas Commission on Environmental Quality
Attention: Water Rights Permitting & Availability Section MC-160
12100 Park 35 Circle
Austin, TX 78753

**RE: Jewett Mine LLC
WRPERM 12292
Water Use Permit Number 12292
Extension Request for Construction Completion Application**

To whom it may concern (Mr. Jeremy Walker-Lee):

Please find enclosed the TCEQ Application Request for an Extension of Time to Complete Construction of an Authorized Project for the Jewett Mine LLC, Water Use Permit Number 12292. A copy of the Jewett Mine LLC Officers Listing which is contained in our mining and reclamation permits with the Railroad Commission of Texas, is being provided as evidence that James Tharp, Vice President, has signature authority on behalf of Jewett Mine LLC. The application filing fee will be submitted under a separate cover, since we are unable to pay the fee on a credit card.

If you have any questions regarding this extension request, please feel free to call me or we would be more than happy to discuss in a meeting with TCEQ staff at your earliest convenience. My number is 903.626.6387 or you can e-mail me directly at [REDACTED]

Sincerely,

Michael G. Altavilla
Mine Manager

RECEIVED
DEC 17 2024
Water Availability Division

Enclosures

Cc: Env. Serv. File
Joe D. Harris
James Tharp



JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

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Sincerely,

A handwritten signature in blue ink that reads "Michael G. Altavilla". The signature is written in a cursive, flowing style.

Michael G. Altavilla
Mine Manager

Enclosures

Cc: Env. Serv. File
Joe D. Harris
James Tharp



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600 FAX (512) 239-2214

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT**
Texas Water Code Section §11.145
TO BE SUBMITTED PRIOR TO EXPIRATION DATE

1. Applicant Information

Permittee/Owner Name: Jewett Mine LLC
Point of Contact name: Michael G. Altavilla
Mailing Address: P.O. Box 915 Jewett, TX 75846

Phone Number: 903-626-6387 Email Address: [REDACTED]

2. Fees or penalties

The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

Does Applicant or Co-Applicant owe any fees to the TCEQ?
Yes or No: No
If yes, provide the following information:

Account number: _____ Amount past due: _____

Does Applicant or Co-Applicant owe any penalties to the TCEQ?
Yes or No: No
If yes, please provide the following information:

Enforcement order number: _____ Amount past due: _____

3. Project Data

Certificate of Adjudication No.: _____ or Permit No.: 12292
and,
River Basin: Trinity River Basin

4. **Project Dates**

BEGINNING CONSTRUCTION DATE:

Original (Date in water right): November 13, 2015

Current (From last extension granted,
if applicable): _____

Proposed: _____

COMPLETION DATE:

Original: November 13, 2018

Current: December 31, 2024

Proposed: December 31, 2026

5. **Reason(s) for delay and why the proposed dates requested are necessary**

Under 30 TAC 295.72(b) the applicant must include* why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the applicant, if the extension is denied.

** Please provide a statement setting forth the reasons why construction work could not be commenced or completed in the space below or attach a statement entitled*

“Reasons Why Construction Work Could not be Commenced or Completed.”

As indicated to TCEQ staff at the time of permit issuance, JM LLC did not expect to complete these projects by November 2018 due to the massive volumes of dirt required to construct each of these ponds.

Reclamation of the subject areas continues. The five ponds approved in this permit are at various stages of construction. None of the ponds require construction of embankments. Remaining construction consists of completion of slopes and pond volumetrics, inlets, spillways, and bypass structures. Under the applicable mining permits issued by the Railroad Commission of Texas (RCT), the design of the bypass structures will be required to be submitted, reviewed and approved as permanent structures. This may add as much as 6 months time to the completion of each structure.

Since our last extension request, the RCT has placed additional time constraints on completing final reclamation in different areas of the mine by a particular date. We have had to schedule our equipment to meet these deadlines which has taken time away from completing the footprints of the mine where our permanent water rights ponds are located.

6. **Application Fees**

(Please make checks payable to the Texas Commission on Environmental Quality or TCEQ)

A. All requests for extension of time require payment of the following fees:

Type	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water requested for any new appropriation and/or impoundment. Enter corresponding fee under Amount (\$).	500.00
	In Acre-Feet	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
Recording Fee		\$12.50
TOTAL		\$512.50

B. Extensions of time that require mailed and published notice require additional fees. Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date. If the application requires mailed and published notice, pay the following fees in addition to the fees in section (A) above:

Type	Description	Amount (\$)
Extension Fee	Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 not to exceed \$1,000. Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows:	\$1,000.00
	Agriculture Use Fee - Only for those with an Irrigation Use. Multiply 50¢ x _____ Number of acres that will be irrigated with State Water.	
	Use Fee - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet.	
	Recreational Storage Fee - For those with Recreational storage. Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Storage Fee - For Storage, excluding Recreational Storage. Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
	Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$).	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)	
TOTAL		\$459.66

7. Applicant Signature

I, James Tharp

Vice President

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature:

James Tharp
(Use blue ink)

Date:

12/12/2024

Subscribed and Sworn to before me by the said

on this

12th

day of

DECEMBER

2024

My commission expires on the

5th

day of

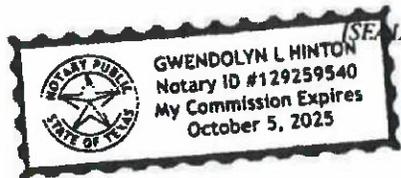
OCTOBER

2025

Gwendolyn L. Hinton
Notary Public

County, Texas

HARRIS



If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page.

County, Texas

**Annex 116-1
For the Applicant/Operator
Permit 32H, Renewal/Revision
Jewett Mine LLC (263897)*
910 Louisiana St.
Houston, TX 77002
(713) 537-3000
Federal Identification No. 83-3662886**

Title	Person	Address and Telephone Number (active officers and directors only)	Begin Date	End Date
VP	David Callen**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
TRS	Gaetan Frotte**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
ASEC	Deborah R Fry**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Edward Christopher Krupa**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Glen Edwin Mackey**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Christopher S Moser**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
PRES	Robert Patrick**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	Matthew Pistner**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	James Tharp**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
ASEC	Judith Tompkins**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
VP	Jennifer Wallace**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	Dudley D Zahn**	910 Louisiana St., Houston, TX 77002 (713) 537-3000	08/06/20	
VP	Christine Zoino**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	
SEC	Christine Zoino**	804 Carnegie Center, Princeton, NJ 08540 (609) 524-4500	08/06/20	

*Westmoreland Jewett Mining LLC (WJM) was purchased by NRG Texas LLC on August 5, 2020, with an effective date of August 6, 2020. WJM was renamed Jewett Mining LLC on August 6, 2020 and corrected to its current name of Jewett Mine LLC (JMLLC) on August 11, 2020.

** All of the officers above became WJM officers on the purchase effective date of August 6, 2020, and continued as officers when WJM became Jewett Mining LLC and then JMLLC.