

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 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 two orders extending the time to complete construction of the five reservoirs. The current order, issued on March 24, 2021, required Permittee to complete construction by December 31, 2022.

Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2024.

The application was received on January 26, 2023 and partial fees were received on February 6, 2023. Additional fees were received on April 18, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 26, 2023.

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: June 09, 2023

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 two orders extending the time to complete construction of the five reservoirs. The current time limitation is to complete construction by December 31, 2022. The Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2024.

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, 2024.

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:

Jenna Rollins

From: Altavilla, Michael [REDACTED]
Sent: Tuesday, May 23, 2023 11:35 AM
To: Jenna Rollins
Cc: Harris, Joe
Subject: RE: Jewett Mine LLC, 12292 - Draft Order and Public Notice Review

Dear Ms. Rollins,

It was a pleasure talking to you yesterday and clarifying why we needed to do the public notice this time. 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.

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: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Sent: Friday, May 19, 2023 1:39 PM
To: Altavilla, Michael [REDACTED]
Subject: Jewett Mine LLC, 12292 - Draft Order and Public Notice Review

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.

Dear Mr. Altavilla,

Please review the attached draft public notice and extension of time order for Jewett Mine LLC, application No. 12292, and provide any comments by 6/2/23.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

**Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE**

Call to: Mr. Altavilla	Call from: Jenna Rollins
Date: 5/23/23	Project No: 12292
<i>Information for File follows:</i> A phone call was made to the applicant to address questions he had about the draft public notice and notice process for the application.	
Signed <i>Jenna Rollins</i>	

Jenna Rollins

From: Jenna Rollins
Sent: Friday, May 19, 2023 1:39 PM
To: Altavilla, Michael
Subject: Jewett Mine LLC, 12292 - Draft Order and Public Notice Review
Attachments: Jewett_Mine_LLC_12292_Drafts_Sent_5.19.23.pdf

Dear Mr. Altavilla,

Please review the attached draft public notice and extension of time order for Jewett Mine LLC, application No. 12292, and provide any comments by 6/2/23.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 19, 2023

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 June 2, 2023 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 the application, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

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).

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Permittee has previously been granted two orders extending the time to complete construction of the five reservoirs. The current order, issued on March 24, 2021, required Permittee to complete construction by December 31, 2022.

Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2024.

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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:

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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.

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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.

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Issued:

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 two orders extending the time to complete construction of the five reservoirs. The current time limitation is to complete construction by December 31, 2022. The Applicant seeks authorization for an additional extension of time to complete construction of the five reservoirs by December 31, 2024.

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, 2024.

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

INTEROFFICE MEMORANDUM

To: Jenna Rollins
Water Rights Permitting Team

Date: May 5, 2023

Thru:

From: Trina Lancaster, P. E.
Dam Safety Program, MC-177

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: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: April 26, 2023

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 January 26, 2023, and partial fees were received on February 6, 2023. Additional fees were received on April 18, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 26, 2023. 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.

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2023

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 April 18, 2023, of additional fees in the amount of \$859.66 (Receipt No. M315578, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 26, 2023. 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 jenna.rollins@tceq.texas.gov or by phone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



18-APR-23 01:02 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PRMTS- CONSTR DELAY	WPC WPC WATER USE PERMITS- CONSTRUCTION DELAY	M315578 12292 JEWETT MINE LLC	7059776 041823/ADT L PMT VHERNAND	N CK	BS00102527 D3802441	18-APR-23	-\$859.66
Total (Fee Code):							-\$859.66

RECEIVED

APR 20 2023

Water Availability Division

RECEIVED
APR 20 2023
Water Availability Division



PAY TO THE ORDER

JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

315573 2183

April 18, 2023

(Via UPS Overnight Delivery)
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

WPC
Adtl pmt

**RE: Jewett Mine LLC
Water Use Permit Number 12292
Extension Request for Construction Completion
Application Fee - Remaining Balance**

To Whom It May Concern:

Please find enclosed check number [REDACTED] in the amount of \$859.66 for the remaining balance payment of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Use Permit Number 12292 as referenced in letter dated March 21, 2023.

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

Sincerely,

Michael G. Altavilla

Michael G. Altavilla
Mine Manager

RECEIVED

APR 20 2023

Water Availability Division

Enclosures

Cc: Env. Serv. File
Joe D. Harris
Jenna Rollins, TCEQ Water Rights Project Manager

See Reverse Side For Easy Opening Instructions

Jewett Mine LLC
804 Carnegie Center,
Princeton, NJ 08540

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
PO BOX 13089
AUSTIN TX 78711-3089

RECEIVED

APR 20 2023

Water Availability Division

Jewett Mine LLC

REFERENCE NUMBER	DATE	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
12292	03/21/2023	[REDACTED]	\$859.66	0.00	\$859.66

Extension Fee - Water Rights Permit:12292

RECEIVED

APR 20 2023

Water Availability Division

CHECK NUMBER	DATE	VENDOR NUMBER	VENDOR NAME	TOTAL AMOUNT
[REDACTED]	04/07/23	[REDACTED]	TEXAS COMMISSION ON ENVIRONMENTAL	\$859.66

Refer to above check number and voucher number when inquiring about your payment

0017

Jenna Rollins

From: [REDACTED]
Sent: Monday, April 17, 2023 4:36 PM
To: Jenna Rollins
Cc: Altavilla, Michael
Subject: Jewett Mine LLC WRPERM 12292 - Application Fee Remaining Balance
Attachments: 04-18-2023-12292-JMLLC-TCEQ-Water Rights Extension Payment Submittal Remaining Balance_Mailed.pdf

Ms. Rollins,

Attached is a copy of the cover letter and check for the remaining balance of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Permit Number 12292 as referenced in the letter dated March 21, 2023.

The original document with check will be sent UPS Overnight Delivery to be delivered on Tuesday, April 18, 2023.

If you have any questions or need any additional information, please let me know.

Thanks.

Joe D. Harris



Joe D. Harris
Planning Specialist
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

April 18, 2023

(Via UPS Overnight Delivery)
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

RE: Jewett Mine LLC
Water Use Permit Number 12292
Extension Request for Construction Completion
Application Fee - Remaining Balance

To Whom It May Concern:

Please find enclosed check number [REDACTED] in the amount of \$859.66 for the remaining balance payment of the Application Fee for the Extension Request for Construction Completion for Jewett Mine LLC, Water Use Permit Number 12292 as referenced in letter dated March 21, 2023.

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
Jenna Rollins, TCEQ Water Rights Project Manager

Jewett Mine LLC

REFERENCE NUMBER	DATE	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
12292	03/21/2023	[REDACTED]	\$859.66	0.00	\$859.66

Extension Fee - Water Rights Permit:12292

CHECK NUMBER	DATE	VENDOR NUMBER	VENDOR NAME	TOTAL AMOUNT
[REDACTED]	04/07/23	[REDACTED]	TEXAS COMMISSION ON ENVIRONMENTAL	\$859.66
Refer to above check number and voucher number when inquiring about your payment				0017

THIS DOCUMENT HAS A VOID PANTOGRAPH, MICROPRINTING AND AN ARTIFICIAL WATERMARK.

nrg
Jewett Mine LLC
 804 Carnegie Center,
 Princeton, NJ 08540

Bank Of New York Mellon
 Pittsburgh, PA 15262

PAY *Eight hundred fifty nine and 66/100 Dollars*

US FUNDS

TO THE ORDER OF **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**
 PO BOX 13089
 AUSTIN TX 78711-3089

Date: 04/07/2023
 Check Number: [REDACTED]
 Vendor Number: [REDACTED]

Pay Exactly
 *****\$859.66

[Signature]

VOID WITHOUT SIGNATURE
 VOID AFTER NINETY DAYS

[REDACTED]

U.S. PAT. NO. 6,983,447
PRR814UB ULTRASEAL® by Relyco - www.relyco.com

Jenna Rollins

From: Jenna Rollins
Sent: Tuesday, March 21, 2023 1:33 PM
To: [REDACTED]
Subject: Jewett Mine LLC WRPERM 12292
Attachments: Jewett_Mine_LLC_12292_RFI_Sent_3.21.23.pdf

Dear Mr. Altavilla,

Please see the attached request for information letter for Jewett Mine LLC, app No. 12292 and provide a response by April 20, 2023.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2023

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 26, 2023, of the referenced application, and on February 6, 2023 of fees in the amount of \$1,112.50 (Receipt No. M310916, attached).

Before the application can be declared administratively complete, remit fees in the amount of **\$859.66** 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>\$ 1,112.50</u>
BALANCE DUE	\$ 859.66

Please provide the requested fees by April 20, 2023 or the application may be returned pursuant to 30 Texas Administrative Code § 281.18.

Mr. Michael G. Altavilla
WRPERM 12292
March 21, 2023
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



06-FEB-23 04:38 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PRMTS- CONSTR DELAY	WPC WPC WATER USE PERMITS- CONSTRUCTION DELAY	M310916 12292 JEWETT MINE LLC	7057481 020623 RHDAVIS	 N CK	BS00100715 D3801721	06-FEB-23	-\$1,112.50
						Total (Fee Code):	-\$1,112.50
						Grand Total:	-\$2,467.50

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 Water Availability Division

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 FEB 08 2023
 Water Availability Division



JEWETT MINE LLC
4336 FM39 South
Jewett, Texas 75846

January 24, 2023

(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. Humberto Galvan):

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. Due to a staff retirement, we inadvertently missed the filing deadline of December 31, 2022. We apologize for any inconvenience. The application filing fee will be submitted under separate cover next week, since we were 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

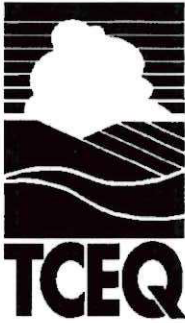
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Enclosures

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

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Water Availability Division

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

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Water Availability Division

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, 2022

Proposed: December 31, 2024

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 <u>Amount (\$)</u> .	\$100.00
	<u>In Acre-Feet</u>	
	a. Less than 100 <u>0</u> \$100.00	\$100.00
	b. 100 - 5,000 \$250.00	\$250.00
	c. 5,001 - 10,000 \$500.00	\$500.00
	d. 10,001 - 250,000 \$1,000.00	\$1,000.00
	e. More than 250,000 \$2,000.00	\$2,000.00
Recording Fee		\$12.50
TOTAL		\$112.50

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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 <u>5,469</u> 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)	\$0.00
TOTAL		\$1,112.50

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JAN 26 2023

Water Availability Division

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: _____

Jan 24, 2023

Subscribed and Sworn to before me by the said

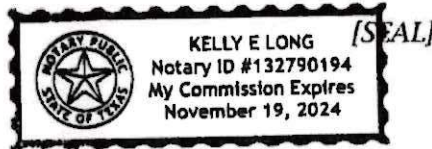
on this 24th day of January, 2023.

My commission expires on the 19th day of November, 2024.

Notary Public

Kelly E. Long
Klong
Fort Bend

County, Texas



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

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 Water Availability Division

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.