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November 17, 2008

Request For A Contested Case Hearing

Texas Pollutant Discharge Elimination System (TPDES)  
Permit Number WQ0014922001 (EPA I.D. No. TX0131733)

Applicant: Southern Horizons, L.P.  
12793 Highway 59  
Splendora, TX 77372

Request a Constested Case Hearing

OPA

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COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Adversely affected property location: 28029 Southland Dr. Splendora, TX 77372.  
Distance: Approximately 1 mile downstream with Cow Branch entering my property on the North boundary and exiting my property on the East boundary. At no time are the entrance and exit connected.

Cow Branch is a dry creek bed, not an active stream, across my property. It only has water in it when it rains; then it drains into the county drainage ditch on North boundary of my property from a small worn area, approximately 24 inches deep and 24 inches wide, which tapers to about 4 inches wide at bottom, and on the East boundary from a small worn area about 40 inches deep, 5 feet wide and tapers to approximately 12 inches wide at the bottom, onto the adjacent property. Neither of these areas holds water.

I believe that the constant water flowing (daily average flow of 120,000 gallons per day) across my property would erode this to a much larger area, causing irreversible damage to my property, and thereby making it largely unfit for future use or development.

I have lived at this address since March 1991, and have never had standing water on my property -- even as surrounding areas were flooded. I believe that adding such a flow on a daily basis would create drainage problems and make my property prone to flooding where none previously existed.

As commonly occurs with treated waste water discharge, there are times when untreated waste water is inadvertently released. Such an occurrence would destroy my land with untreated waste and waste water, making my land virtually worthless.

Additionally, should I wish to relocate, the value of my property would be so negatively impacted by this situation that I would be forced to sell it at a loss. As a retiree whose primary income is Social Security, I am deeply concerned that my most important asset - my property - is being unfairly diminished.

I hereby request a contested case hearing.

Respectfully,

*Lewis A. Haraway*  
Lewis A. Haraway

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

### PROPOSED PERMIT NO. WQ0014922001

**APPLICATION.** Southern Horizons, L.P., 12793 Highway 59, Splendora, Texas 77372, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014922001 (EPA I.D. No. TX0131733) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 120,000 gallons per day. The domestic wastewater treatment facility is located approximately 100 linear feet south of the intersection of Highway 59 and King Port Drive in Montgomery County, Texas. The discharge route is from the plant site via pipe to a natural drainage path; thence to a county drainage ditch; thence to Cow Branch; thence to the East Fork San Jacinto River. TCEQ received this application on August 15, 2008. The permit application is available for viewing and copying at Splendora City Hall, 16940 Main Street, Splendora.

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

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

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

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

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

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

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

**AGENCY CONTACTS AND INFORMATION.** All written public comments and requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. If you need more information about this permit application or the permitting process, please call TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Further information may also be obtained from Southern Horizons, L.P. at the address stated above or by calling Mr. Rafael Servantes, E.I.T., Bleyl & Associates, at 936-441-7833.

Issuance Date: October 17, 2008