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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Ms. LaDonna Castañuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

March 3, 2009

Re: Petition to Revoke Permit No. WQ0014555002, Issued to Far Hills Utility District

EXPEDITED PROCESSING REQUESTED

Ms. Castañuela:

Attached is a petition to revoke Permit No. WQ0014555002, being submitted on behalf of Suzanne O'Neal, Judith Spencer, and Everett Simmons ("Petitioners"). A copy of this petition is also being served upon the Executive Director of the Texas Commission on Environmental Quality (TCEQ), and Far Hills Utility District. Service of these copies is intended to constitute 15 days notice of the Petition as required by 30 TAC § 305.66(e). Upon the expiration of these fifteen days, Petitioners respectfully pray that the attached petition be processed expeditiously, since construction activities related to subject facility are currently ongoing on property adjacent to property owned by Petitioners. Feel free to contact me if you have any questions.

Sincerely,


Eric Allmon

**PETITION BY SUZANNE O'NEAL, JUDITH SPENCER, AND EVERETT
SIMMONS TO REVOKE PERMIT NO. WQ0014555002 ALLEGEDLY
AUTHORIZING THE CONSTRUCTION AND OPERATION OF A
WASTEWATER TREATMENT PLANT BY FAR HILLS UTILITY DISTRICT**

AND

REQUEST FOR ENFORCEMENT ACTION

COMES NOW SUZANNE O'NEAL, JUDITH SPENCER, AND EVERETT

SIMMONS ("Petitioners"), and by this petition initiate proceedings for the revocation of Permit No. WQ0014555002, which Far Hills Utility District ("Far Hills" or "FHUD") alleges to authorize the construction and operation of a wastewater treatment plant by Far Hills Utility District. Petitioners further request that TCEQ initiate enforcement proceedings against Far Hills Utility District, and Langford Engineering, Inc., for apparent violations of Texas Water Code § 7.149, which prohibits the knowing or intentional submission of false statements to TCEQ. In support thereof, Petitioners would respectfully show the following:

I. INTRODUCTION

After public examination exposed the flaws of an initial application by Far Hills for a wastewater treatment plant, Far Hills determined that it would submit another application while taking steps to avoid alerting the public of its application. So, it intentionally misled TCEQ regarding the ownership and configuration of property in the area of the proposed treatment plant, submitted a landowners list that excluded adjacent landowners, and misled TCEQ to believe that it had complied with applicable requirements for published notice. Far Hills further described the discharge route for the discharge in a

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manner that produced notices which failed to apprise the public of the true location of the discharge into Lake Conroe.

The end result of these efforts by Far Hills was a denial of proper notice of its application in several respects. This denial deprived TCEQ of jurisdiction to issue the permit, so that the existing permit is legally invalid. In consideration of Far Hills' apparently purposeful misrepresentations and omissions during the permitting process, as well as the legal reality that TCEQ lacked jurisdiction to issue the permit, TCEQ should revoke Permit No. WQ0014555002.

In consideration of the apparently intentional and knowing misrepresentations made to the TCEQ by Far Hills Utility District, and Langford Engineering, Inc., during the permitting process, Petitioners also ask that the TCEQ initiate enforcement proceedings against these entities, and their employees involved in the permitting process, for violations of Texas Water Code § 7.149.

II. AUTHORITY

The Executive Director ("ED") of the Texas Commission on Environmental Quality (TCEQ) has the authority and the duty, under 30 TAC §§ 305.66 & 305.68 to suspend and revoke Far Hills' permit for the misrepresentations, omissions and other reasons described in this Petition. TCEQ rules further provide that a person affected by the issuance of a permit or other order of the Commission may initiate proceedings for revocation or suspension of a permit by forwarding a petition to the Executive Director to be filed with the Commission.¹

¹ 30 TAC § 305.66(d).

III. FACTUAL BACKGROUND

A. Submittal and Denial of Far Hills' Application for Permit No. WQ00014555001

Far Hills submitted an initial application for a new wastewater treatment plant on August 31, 2004 for a facility proposed to be located outside of the boundaries of FHUD. As required, notice of this application was mailed to adjacent landowners and other affected persons, and notice was also published in the *Conroe Courier*. Far Hills submitted an affidavit at that time attesting that the *Conroe Courier* is the newspaper of largest circulation that is published in Montgomery County.² As this affidavit and its submission shows, Far Hills knew that the *Conroe Courier* was the proper paper for published notice of such in that area.

After this notice, the affected public expressed significant opposition to the permit application due to its many flaws. Far Hills requested a direct referral of the application to the State Office of Administrative Hearings for a contested case hearing. Numerous issues were raised during that hearing. The administrative law judge for that application issued a proposal for decision on November 27, 2006, recommending that the permit be denied both because Far Hills' proposed plant violated the TCEQ's regionalization policy (since no need existed for the plant), and also because the proposed plant did not meet TCEQ's location restrictions (since it was to be located in wetlands).³

The Commission considered this Proposal for Decision at its public meeting on August 22, 2007. At that meeting, TCEQ decided to deny the permit based on the

² Attachment A, May 4, 2005 Affidavit of Angela Holman, Legal Clerk of the *Conroe Courier*, submitted to TCEQ by Far Hills on May 6, 2005.

³ Many other issues had been raised by Protestants during the hearing, but the ALJ declined to rule on those issues considering that multiple other grounds obviously warranted denial of the application.

violation of TCEQ's location restrictions, and Chairman Garcia signed an order to that effect on September 7, 2007.⁴

B. Submittal and Alleged Issuance of Far Hills' Permit No. WQ0014555002

Aware that its first application would likely be denied, Far Hills submitted an application for a plant at a different site on April 11, 2007, over five months before the Commission issued a decision to deny its first application. This facility was also located outside the boundaries of FHUD, and outside the boundaries of any municipality. The initial Notice of the Receipt of this application was published June 27, 2007 in the *Montgomery County News*, instead of the *Conroe Courier*. The Notice of Application and Preliminary Decision was similarly published in the *Montgomery County News* on September 12, 2007, five days after denial of Far Hills' first application. Far Hills was clearly trying to avoid providing the public with notice of its application; the *Montgomery County News* has a **weekly** circulation of approximately 6,200. In contrast, the *Conroe Courier* is published with a **daily** circulation of approximately 11,000.

By all appearances, Far Hills knew that it was not using the correct paper for the published notices. Far Hills originally submitted an affidavit from the Montgomery County News regarding the Notice of Receipt on June 28, 2007.⁵ In an attempt to confirm that the notice met TCEQ requirements, the Executive Director's staff explicitly requested an affidavit from Far Hills that the *Montgomery County News* was the paper of **largest** circulation in Montgomery County after noticing that the affidavits submitted by

⁴ September 7th, 2007 Order denying an the application of Far Hills Utility District for proposed TPDES Permit No. WQ0014555001; Docket No. 2005-1899-MWD; SOAH Docket No. 582-06-0568.

⁵ Attachment B, June 27, 2007 Affidavit of Regina Ducharme, Publisher's Agent of *Montgomery County News*, submitted to TCEQ by Far Hills and Notice of Receipt of Application and Intent to Obtain Water Quality Permit.

Far Hills did not include this required language, and the ED provided Far Hills with a copy of the required format for the Affidavit.⁶ In this fax, the ED marked the instructions for published notice to stress the need for publication in the newspaper of largest circulation.⁷ Far Hills' engineers responded to the ED's request by submitting an affidavit that had been simply *reformatted* to visually resemble the form requested by the ED, but which still failed to include the required statement that the Montgomery County News was the paper of largest circulation in the county.⁸

With regard to mailed notice, Far Hills provided the TCEQ with multiple convoluted revisions of the required landowners list. The list ultimately submitted simply omitted several adjacent property owners, including Suzanne O'Neal, Judith Spencer, and Everett Simmons. The Chief Clerk of the TCEQ mailed notice to the persons named on the final revision to the landowners list submitted by Far Hills, so these adjacent property owners never received mailed notice of the application, and received no notice of the application until after construction of the proposed facility commenced.

Apparently, Far Hills knowingly provided false information to the ED staff in order to justify the omission of Petitioners from the required landowners list. Far Hills represented in its application that it owned the property on which the facility was to be located,⁹ and Far Hills also represented that a strip of property 30 feet wide and separately owned by Broussard Christie, L.P., existed between the property it claimed to

⁶ Attachment C, July 10, 2007 Fax from Charlene Smith of the TCEQ to Barbara Kernighan of Langford Engineering, Inc..

⁷ Id.

⁸ Attachment D, July 26, 2007 letter from Barbara Keringhan of Langford Engineering, Inc. to Charlene Smith of the TCEQ.

⁹ Attachment E, Checklist for initial review of wastewater discharge application, p. 3, provided with Far Hills' Application for Permit No. WQ0014555002.

own at the site of the facility and the properties owned by Petitioners.¹⁰ These statements were false.

Far Hills, in fact, did **not** own the property on which the facility was to be located, and Petitioners were in fact adjacent to the property where the facility is proposed to be located. At the time of the application, Broussard-Christie, L.P. owned the full and undivided 10.00 acres where the plant was to be located, and to which Petitioners are adjacent. Well after the permit was issued, on April 1, 2008, Far Hills entered into a lease agreement with the option to purchase the **full and undivided 10.00 acres** from Broussard-Christie, L.P.¹¹ The property boundary depicted by Far Hills in its application was simply fictional. The distinction in property ownership which Far Hills claimed separated the area where the facility was proposed from Petitioners' property simply did not exist at the time of the application, and does not exist today.

Notably, the construction activities undertaken by Far Hills at the plant site have confirmed the fictional nature of the property boundaries it depicted in its application. Construction activities are occurring on the full width of the ten acre tract, including the area within the 30 foot strip which Far Hills had claimed was not part of the facility.¹² Far Hills is using part of this 30 foot wide piece of property as a private road, which constitutes the only means of entry or egress from the facility.¹³

¹⁰ Attachment F, Administrative Report Section 1.1, Attachment 4, "Buffer Zone Map." Rev. May 3, 2007.

¹¹ Attachment G, Excerpt from April 1, 2008, Lease Agreement with Option to Purchase between Broussard-Christie, L.P. and Far Hills Utility District.

¹² Attachment H, Photo depicting Far Hills Utility District truck on roadway placed within 10 feet of O'Neal property, in area cleared by Far Hills up to the O'Neal property line, and stormwater management measures installed by Far Hills adjacent to O'Neal property line.

¹³ Attachment I, Photo depicting equipment operated by Far Hills Utility District in front of house located on the 10 acre property, with road visible near O'Neal property line, and stormwater control measures installed adjacent to O'Neal Property line.

Even persons who received notice were unable to determine where the discharge into Lake Conroe was proposed to be located. Both the mailed notice, and the published notice, simply stated that the plant would be located on the east side of Cude Cemetery Road approximately 1,800 feet south of FM 830 in Montgomery County, and would discharge to a storm sewer then to Lake Conroe.¹⁴ The referenced storm sewer did not exist at that time, and the notice said nothing of where this storm sewer was going to be placed. Lake Conroe covers an area of approximately 21,000 acres, and the notice said nothing about where on its shoreline the discharge would occur. "Somewhere on Lake Conroe" is simply not specific enough to constitute effective public notice of a proposed discharge.

The Executive Director signed Permit WQ0014555002 on November 1, 2007, with the intent that this action would constitute issuance of the permit.

In September of 2008, Far Hills commenced construction of the proposed wastewater treatment plant. This caught the attention of Ms. O'Neal, who was surprised to see a wastewater treatment plant being constructed in her neighbor's front yard.¹⁵ Judith Spencer likewise first learned of the permit application in the fall of 2008,¹⁶ and Everett Simmons first learned about the application from his neighbors in February of 2009.¹⁷

C. Location of Adjacent Property Owned by Suzanne O'Neal

Suzanne O'Neal owns and resides upon property located at 11280 Cude Cemetery Road, outside of Willis, Texas. She owned and resided upon this property during 2007

¹⁴ Attachment B, June 27, 2007 Affidavit of Regina Ducharme, Publisher's Agent of *Montgomery County News*, submitted to TCEQ by Far Hills and Notice of Receipt of Application and Intent to Obtain Water Quality Permit.

¹⁵ Attachment J, February 23, 2009 Affidavit of Suzanne O'Neal.

¹⁶ Attachment K, February 24, 2009 Affidavit of Judith Spencer.

¹⁷ Attachment L, February 24, 2009 Affidavit of Everett Simmons.

when Far Hills submitted its application for Permit No. WQ0014555002.¹⁸ While her name and address were not included in the landowners map used for notice purposes, the adjacent nature of her property was reflected on Attachment 4 to the Application's Administrative Report, which demonstrated her 6.4 acre property to be adjacent to the 10.00 acre tract upon which the facility is proposed to be located.¹⁹ This property was labeled property no. 79 on the landowners map submitted with the application dated April 2, 2007, and Far Hills' recognized her as the owner of that property.²⁰ Ms. O'Neal's property is directly adjacent to the 10 acre tract where the facility is proposed to be located. Her status as the owner of this property, and her mailing address, were readily accessible through the county tax appraisal records customarily consulted by applicants to identify nearby landowners.²¹ Yet, she was not included in the final landowners map used to provide mailed notice of the application.²²

D. Location of Adjacent Property Owned by Judith Spencer

Judith Spencer is the owner of property immediately adjacent on the eastern side of the 10 acre property on which the wastewater treatment plant is proposed to be built, at 11298 Cude Cemetery Road. She owned this property at the time of Far Hills' application.²³ This property was designated Property No. 80 on the landowners map submitted with the application dated April 2, 2007, and Far Hills' recognized her as the owner of that property.²⁴ Her status as the owner of this property, and her mailing

¹⁸ Attachment J, February 23, 2009 Affidavit of Suzanne O'Neal.

¹⁹ Attachment F, Administrative Report Section 1.1, Attachment 4, "Buffer Zone Map." Rev. May 3, 2007.

²⁰ Attachment M, Landowners Map and List, As Submitted with Original Application Dated April 2, 2007.

²¹ Attachment N, Montgomery Central Appraisal District, Datasheet for 11280 Cude Cemetery Road.

²² Attachment O, Revised Landowners Map and List, Revised May 16, 2007.

²³ Attachment K, February 24, 2009 Affidavit of Judith Spencer

²⁴ Attachment M, Landowners Map and List, As Submitted with Original Application Dated April 2, 2007.

address, were readily accessible through the county tax appraisal records customarily consulted by applicants to identify nearby landowners.²⁵ Yet, she was not included in the final landowners map used to provide mailed notice of the application.²⁶

E. Location of Adjacent Property Owned by Everett Simmons

Everett Simmons is the owner of property also immediately adjacent on the northern side of the 10 acre property on which the wastewater treatment plant is proposed to be built, at 11071 Hillside Drive. He owned this property at the time of Far Hills' application.²⁷ This property was designated Property No. 81 on the landowners map submitted with the application dated April 2, 2007, and Far Hills' recognized him as the owner of that property.²⁸ His status as the owner of this property, and his mailing address, were readily accessible through the county tax appraisal records customarily consulted by applicants to identify nearby landowners.²⁹ Yet, he was not included in the final landowners map used to provide mailed notice of the application.³⁰

IV. STANDING AS AN "AFFECTED PERSON"

Suzanne O'Neal, Judith Spencer, and Everett Simmons are all "affected persons" with respect to the TCEQ's authorization of Far Hills' Permit No. WQ0014555002. As discussed, each of these persons own property properly considered adjacent to the facility. Furthermore, each of these persons resides on that property. In addition to using these properties as residences, these persons use their property for purposes such as

²⁵ Attachment Q, Montgomery Central Appraisal District, Datasheet for 11298 Cude Cemetery Road.

²⁶ Attachment O, Revised Landowners Map and List, Revised May 16, 2007.

²⁷ Attachment P, February 24, 2009 Affidavit of Everett Simmons.

²⁸ Attachment M, Landowners Map and List, As Submitted with Original Application Dated April 2, 2007.

²⁹ Attachment P, Montgomery Central Appraisal District, Datasheet for 11071 Hillside Drive.

³⁰ Attachment O, Revised Landowners Map and List, Revised May 16, 2007.

nature walks and entertaining.³¹ Additionally, they each use shallow groundwater wells potentially affected by leaks at the facility, the discharge itself, or any upset at the facility.³² Runoff of untreated or partially treated wastewater from the facility could also contaminate the land owned by these persons where they enjoy nature walks, and odors from the facility could further potentially impact their outdoor use of their properties.

Notably, the property of Ms. O'Neal is within only 200 feet of units such as the clarifiers and the aeration basin, which all the more clearly renders her to be an affected person without regard to whether she is legally considered "adjacent."

Thus, each of these persons is authorized by 30 TAC § 305.66(d) to initiate proceedings for the revocation or suspension of Far Hills' permit by forwarding this petition to the Executive Director for filing with the Commission.

V. PUBLIC NOTICE

A. Adequate Notice is Both Required by Law, and Necessary for the Commission to Exercise Jurisdiction

Texas statutes, and the TCEQ rules, set forth several notice requirements which must be met when the Commission is considering an application for a new wastewater discharge permit like Far Hills' application.

Specific requirements apply for the published notice of such an application. For a proposed facility not located within a city, such as the Far Hills facility, the Applicant shall publish the Notice of Receipt and Intent to Obtain a Permit, and the Notice of

³¹ Attachments J, K, & L (Affidavits of Suzanne O'Neal, Judith Spencer, and Everett Simmons)

³² Attachments J, K, & L (Affidavits of Suzanne O'Neal, Judith Spencer, and Everett Simmons). Notably, groundwater issues are relevant to the consideration of a wastewater permit as set forth at 30 TAC § 309.12.

Application and Preliminary Decision, at least once in the newspaper of largest circulation in the county in which the facility is proposed to be located.³³

An application for a new wastewater discharge permit is also subject to mailed notice requirements. Within 30 days of when the Executive Director declares an application administratively complete, the Chief Clerk must mail notice of the permit application to the persons identified on the landowners map submitted with the application, and the accompanying landowners list.³⁴ This is commonly referred to as the Notice of Receipt and Intent (NORI).

A second notice of the application is then required by TCEQ rules to be mailed to these same persons upon completion of the Executive Director's technical review of the application.³⁵ This is commonly referred to as the "Notice of Application and Preliminary Decision." This mailed notice is required to implement the federally delegated TPDES program.³⁶

To implement these requirements, Chapter 305 of TCEQ Rules requires that an application for a wastewater permit include a map showing the ownership of tracts of land adjacent to a proposed facility, as well as properties within a reasonable distance of the proposed discharge or activity.³⁷ Additionally, Chapter 281 specifically requires that an application include a list of both adjacent and potentially affected landowners and their addresses along with a map locating the property owned by these persons.³⁸ It is the Chief Clerk of the TCEQ who actually mails notice of the application, and the Chief

³³ TEX. WATER CODE § 5.552(b)(1); 30 TAC § 39.405(f)(1).

³⁴ 30 TAC §§ 39.413(1); 39.418(b)(2).

³⁵ 30 TAC §§ 39.413(1); 39.419(c).

³⁶ TEX. WATER CODE §§ 26.028(a), 26.028(h)(2).

³⁷ 30 TAC §§ 305.45(a)(6); 305.48(a)(2).

³⁸ 30 TAC § 281.5(6).

Clerk relies upon these maps to determine who will receive mailed notice of the application in addition to those persons otherwise required to receive notice such as the County Judge and state legislators.³⁹

These mailed notices are important in ensuring the protection of private property rights of persons in the vicinity of a facility, and notifying these persons of their opportunities to provide comments and request a hearing on an application. Because notice of an action affecting private property rights is required to ensure compliance with the due process requirement of the United States Constitution, and the due course of law protections under the Texas Constitution, if the TCEQ fails to adequately provide such notice, it has no jurisdiction to act on an application.⁴⁰ Although no adequate published notice was provided in this case, even adequate published notice will not cure the failure to provide a clearly affected landowner with mailed notice when that landowner's address is readily identifiable.⁴¹

B. Far Hills Failed to Publish in Newspaper of Largest Circulation in County

Far Hills was required to have the Notice of Receipt and Intent for the application published in the newspaper with the largest circulation in the county.⁴² This is the reason for the Executive Director seeking, in vain, confirmation of this fact. The newspaper of largest circulation in Montgomery County is the *Conroe Courier*. Since notice was not published in this paper, the applicable published notice requirements were not met.

³⁹ 30 TAC § 39.413(1).

⁴⁰ Peralta v. Heights Medical Center, Inc., 485 U.S. 80, 86-87 (1988) (holding that a default judgment entered without proper notice is void); Railroad Commission of Texas v. Red Arrow Freight Lines, Inc., 167 S.W.2d 249, (Tex. App. Austin – 1942)(Holding order of the Railroad Commission to be invalid based on failure of Commission to follow statutorily required application, notice, and hearing procedures).

⁴¹ City of Houston v. R.H. Fore, 412 S.W.2d 35, 35 (Tex. 1967).

⁴² TEX. WATER CODE § 5.552(b)(1).

C. Adequate Mailed Notice was Not Provided

Because Suzanne O’Neal, Judith Spencer, and Everett Simmons were each omitted from the landowners map ultimately provided to the TCEQ by Far Hills, and used by the Chief Clerk’s Office, these persons never received mailed notice. These persons should have been included as adjacent landowners, and certainly Petitioners constituted persons within a “reasonable distance” of the facility required to receive mailed notice.⁴³ TCEQ was required to provide these persons with mailed notice of the application, but failed to do so.

D. The Language of the Notice was Inadequate to Apprise Affected Persons of the Activity being Authorized

The notices of the application, whether mailed or published, simply described the activity being authorized as a treatment facility located 1,800 south of FM 830 on the east side of Cude Cemetery Road in Montgomery County that would discharge via a storm sewer to an existing storm sewer collection system and then to Lake Conroe. The language included did not provide the affected public with any information regarding the point of discharge into Lake Conroe. For this reason, owners of shoreline property on Lake Conroe were not provided notice of where Far Hills intended to construct a wastewater line that would discharge into Lake Conroe with respect to their property.

E. Adjacent Property Owners did Not Receive Actual Notice Until late 2008, or even the Spring of 2009.

The first time Ms. O’Neal was aware of Far Hills’ intent to construct and operate a wastewater treatment plant on property adjacent to her own was when construction

⁴³ 30 TAC §§ 305.45(a)(6); 305.48(a)(2).

equipment began to perform work on the facility in September of 2008.⁴⁴ Prior to this time, she had no notice of the application. Judith Spencer first learned of Far Hills' intent to construct and operate the wastewater treatment plant in the fall of 2008, when she observed construction activities.⁴⁵ Everett Simmons first learned of Far Hills' intent to construct and operate the wastewater treatment plant in February of 2009, when he was informed of the proposed facility by a neighbor.⁴⁶

VI. BASIS FOR REVOCATION

Revocation of a permit is appropriate where a permittee has failed during the application process to disclose fully all relevant facts, or has misrepresented relevant facts at any time.⁴⁷ By purposefully misrepresenting the ownership and configuration of the property at the proposed facility location, and omitting the identity of Petitioners from the landowner map ultimately submitted for use by the Chief Clerk, Far Hills failed during the application process to disclose fully all relevant facts. Far Hills' intentional failure to publish notice in the paper of largest circulation in Montgomery County further calls into question their honesty with the Commission during the permitting process.

Importantly, the lack of adequate notice in the issuance of Far Hills' permit renders the TCEQ's issuance of that permit invalid because the Executive Director had no jurisdiction to act on the application. Thus, Far Hills does not currently hold a valid permit for the construction or operation of the proposed wastewater treatment plant.

While many of the errors in public notice in this matter directly resulted from Applicant's misrepresentations during the permitting process, it is important to recognize

⁴⁴ Attachment J, February 23, 2009 Affidavit of Suzanne O'Neal.

⁴⁵ Attachment K, February 24, 2009 Affidavit of Judith Spencer.

⁴⁶ Attachment L, February 24, 2009 Affidavit of Everett Simmons.

⁴⁷ 30 TAC § 305.66(a)(4).

that these errors have resulted in TCEQ itself violating the due process protections afforded to Petitioners by the United States Constitution, and the due course of law protection of the Texas Constitution. Surely, TCEQ's concern for the integrity of the permitting process, and the protection of private property rights, will lead the TCEQ to revoke Far Hills' permit.

VII. PRAYER

For the reasons stated above, Petitioners pray that the Commission revoke Permit No. WQ0014555002, previously issued to Far Hills Utility District, after any required public hearing, and grant them any further relief to which they may show themselves to be entitled. Considering Far Hills' prior knowledge that the *Conroe Courier* was the paper of largest circulation in Montgomery County, apparent knowledge that it itself was not the owner of the property on which the facility is proposed to be located as claimed in the application, and apparent knowledge that the property boundaries around the facility were not as depicted in the application materials, Petitioners further pray that the Commission initiate enforcement actions against Far Hills Utility District, Langford Engineering, Inc., and any individuals involved in these representations, for violations of Texas Water Code § 7.149, regarding the intentional or knowing making of a false statement to TCEQ in an application.

Respectfully Submitted,

**LOWERRE, FREDERICK,
PERALES, ALLMON &
ROCKWELL**

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Austin, TX 78701

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Fax (512) 482-9346

Attorneys for Suzanne O'Neal,
Judith Spencer, and Everett
Simmons

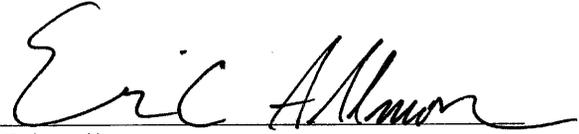


Eric Allmon

State Bar No. 24031819

CERTIFICATE OF SERVICE

By my signature below, I certify that on the 3rd day of March, 2009, a true and correct copy of the foregoing document was served upon the following by U.S. Mail, Fax and/or Hand-Delivery.



Eric Allmon

For the Chief Clerk:

Ms. LaDonna Castañuela
Texas Commission on Environmental
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For the Office of Public Interest Counsel:

Blas Coy
Texas Commission on Environmental
Quality
Office of Public Interest Counsel- MC- 103
P.O. Box 13087
Austin, Texas 78711-3087

For the Applicant Far Hills Utility District:

James Hyman, President
Far Hills Utility District
Johnson Radcille Petrov and Bobbitt, LLP
1001 McKinney, Suite 1000
Houston, Texas 77002

For State Senator Robert Nichols:

Senate District 3
P.O. Box 12068, Capitol Station
Austin, Texas 78711
Phone: 512-463-0103

For Langford Engineering, Inc:

Timothy Hardin, Vice President
1080 West Sam Houston Parkway North
Suite 200
Houston, Texas 77043

For State Representative Brandon

Creighton:
House District 16
P.O. Box 2910
Austin, Texas 78768
Phone: 512-463-0726

For the Executive Director:

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Texas Commission on Environmental
Quality
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Austin, Texas 78711-3087

John Williams

Texas Commission on Environmental
Quality
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CHIEF CLERKS OFFICE

2009 MAR -3 PM 1:03

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Attachment A

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 ATTN: CARMELLO MANNING
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: Far Hills Utility District
PERMIT NO.: 14555-001 CCO# 45433
NOTICE OF PUBLIC MEETING

AFFIDAVIT OF PUBLICATION
FOR WATER QUALITY APPLICATION PUBLIC MEETING

STATE OF TEXAS §
COUNTY OF Montgomery §

Before me, the undersigned authority, on this day personally appeared
Angela Holman, who being by me duly
(name of newspaper representative)

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

of the The Courier; that said newspaper is
(name of newspaper)

regularly published in Montgomery County, Texas, and is the newspaper

of largest circulation that is published in Montgomery County;

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

May 4, 2005

Angela Holman
Newspaper Representative's Signature

Subscribed and sworn to before me this the 4th day of May
2005, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Rita M. Crosby
Print or Type Name of Notary Public

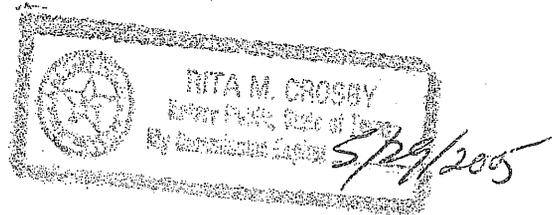
My Commission Expires May 29, 2005

STATE OF TEXAS §
COUNTY OF TRAVIS §
HEREBY CERTIFY THAT I HAVE A TRUE AND CORRECT COPY OF
A TEXAS CRIMINAL JUSTICE SYSTEM AFFIDAVIT (7509)

FEB 23 2009

DOCUMENT BY [Signature] FILED WITH THE COM-
MISSION, GIVEN UNDER MY HAND AND SEAL OF OFFICE

Rita M. Crosby
RITA M. CROSBY
ALTERNATE CLERK-TEXAS DEPARTMENT OF
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



CHIEF CLERK'S OFFICE

2005 MAY -6 AM 9:56

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Attachment B

TEXAS COMMISSION OF ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT PROPOSED PERMIT NO. WQ001455502

APPLICATION. Far Hills Utility District, c/o Johnson Radcliffe Petrov & Bobbitt PLLC, 1001 McKinney Street, Suite 1000, Houston, Texas 77002, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014555002 (EPA I.D. No. TX0129526) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 700,000 gallons per day. The domestic wastewater treatment facility is located on the east side of Cude Cemetery Road approximately 1,800 feet south of Farm-to-Market Road 830 in Montgomery County, Texas. The discharge route is from the plant site via a storm sewer to an existing storm sewer collection system; thence to Lake Conroe. TCEQ received this application on April 11, 2007. The permit application is available for viewing and copying at R.F. Meador Library, 709 West Montgomery, Willis, Texas.

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.

Page 8, Wednesday, June 27, 2007, Montgomery County News

STATE OF TEXAS
COMMISSION OF ENVIRONMENTAL QUALITY
11000 WEST LOOP SOUTH, SUITE 1000
HOUSTON, TEXAS 77040
TEL: 713/696-7000
WWW.TCEQ.TX.GOV

6002 23 0007 02 03 31

RECEIVED BY THE CLERK
OF THE COMMISSION
ON JUNE 27, 2007
AT 10:00 AM
BY: [Signature]
CLERK OF THE COMMISSION
TEXAS COMMISSION OF ENVIRONMENTAL QUALITY

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.

Further information may also be obtained from Far Hills Utility District at the Address stated above or by calling Timothy B. Hardin, P.E., Langford Engineering, Inc., at 713-461-3530.

Issuance Date: June 15, 2007

Publication Date: June 27, 2007

LEI Job No. 233-013-106

JUN 28 2007

PUBLISHER'S AFFIDAVIT

I solemnly swear that the above notice was published in *The Montgomery County News*, a newspaper printed in Montgomery County, Texas, and of general circulation in said County, as provided in the Texas Probate Code for the service of citation or notice by publication, and the date that the issue of said newspaper bore in which said notice was published was June 27, 2007. A copy of the notice published, clipped from the newspaper is attached hereto.

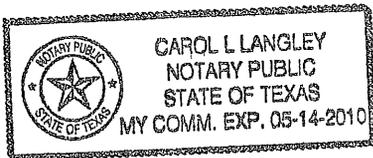
CAUSE # Job Number 233.013-106

Regina Ducharme
Publisher's Agent
Regina Ducharme

SWORN TO AND SUSCRIBED BEFORE ME

BY Regina Ducharme

On this the 27 day of June, 2007, to certify which witness my hand and seal of office.



Carol L. Langley

Notary Public, State of Texas
Printed Name of Notary

My Commission Expires:

5-14-2010

Carol L. Langley

STATE OF TEXAS
COUNTY OF TRAVIS
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
THE ORIGINAL RECORDS AND THAT THE QUALITY THEREOF

FEB 23 2009

RECORDED, THE YEAR OF THE COMMISSION OF THE COMMISSION. QUALITY OF THE ORIGINAL RECORDS AND THE QUALITY OF THE COPY

Richard Howard
RECORDS MANAGER

ALTERNATE CHIEF CLERK OF RECORDS
TEXAS DEPARTMENT OF ARCHIVES AND HISTORICAL PRESERVATION

CHIEF CLERK'S OFFICE

TEXAS DEPARTMENT OF ARCHIVES AND HISTORICAL PRESERVATION

Attachment C

P.1

Line Number: 1 TCEQ

Fax: 5122391209

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917139327505	NORMAL	10,10:52	0'53"	5	# O K	

CID# 59013



FAX TRANSMITTAL

DATE: July 10, 2007 NUMBER OF PAGES (including this cover sheet): 5

TO: Name Barbara Kernighan, EIT
 Organization Langford Engineering Inc.
 FAX Number 713-932-7505

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 Name Charlene Smith
 Division/Region Office of the Chief Clerk
 Telephone Number 512-239-3315
 FAX Number 512-239-3311

NOTES:

Re: Far Hills Utility District, Application for TCEQ TPDES Discharge Permit No. WQ0014556002, Publishers Affidavit and Verification; LEI Job No. 233-013-106

Ms. Kernighan:

The newspaper for the English publication of the notice, The Montgomery County News, used their own affidavit form rather than the TCEQ affidavit form. Their form does not contain the required language (largest circulation in Montgomery County or general circulation in the municipality of Willis, Texas).

For your convenience I am sending another copy of our TCEQ affidavit, pages of our applicable instructions with X marking the requirements being referred to, and a copy of the actual publisher's affidavit you submitted.

Please have the newspaper complete the TCEQ affidavit form. The completed form should be returned to the address in the upper left-hand corner of the form.

If you have any questions, I can be reached by telephone or fax at the above numbers.

Charlene Smith
 Notice Team Leader
 Office of the Chief Clerk, MC-105
 TCEQ
 PO Box 13087
 Austin TX 78711-3087

FEB 23 2009

DOCUMENT OF TITLE
 MESSAGE CENTER
 STATE OF TEXAS
 COUNTY OF TRAVIS
 TCEQ
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 PEEK THOMAS
 ALTERNATE CLERK OF RECORDS
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Far Hills Utility District
Permit No.: WQ0014555002
Notice of Intent to Obtain Permit

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

STATE OF TEXAS §
COUNTY OF _____ §

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

_____, who being by me duly sworn, deposes
(name of newspaper representative)

and says that (s)he is the _____
(title of newspaper representative)

of the _____; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in _____ County, Texas or is
(Name of County)

a newspaper of general circulation in _____,
(Name of Municipality)

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

_____.

Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,

20_____.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN PERMIT

Your application has been declared administratively complete and now you must comply with the following instructions:

Please Review Notice

Included in the notice is all of the necessary information. Please read it carefully and notify Adriene McClarron immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text or formatting of the notice without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed Notice of Receipt of Application and Intent to Obtain Permit within **30 calendar days** after the date of administrative completeness. Refer to the cover letter for the date of administrative completeness.
- You must publish the enclosed Notice of Receipt of Application and Intent to Obtain Permit at your expense, at least once in the newspaper of (largest) circulation within each county where the facility is or will be located or, if the facility is located or will be located in a municipality, at least once in a newspaper of general circulation in the municipality.
- If the discharge point or potential discharge point is located in a different county than the facility, you must publish the enclosed Notice of Receipt of Application and Intent to Obtain Permit at your expense, in a newspaper that is of the largest circulation within each county.
- These requirements may be satisfied by one publication if the newspaper meets all of the above requirements.
- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternative Language Notice

If your application was received on or after November 30, 2005, you must publish notice in an alternative language if the following criteria are met.

- You must publish the public notice in an alternative language if either the elementary or middle school nearest to the facility or proposed facility is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B, and 19 TAC §89.1205(a) and one of the following conditions is met:
 - students are enrolled in a program at that school;
 - students from that school attend a bilingual education program at another location; or
 - the school that otherwise would be required to provide a bilingual education program waives out of this requirement under 19 TAC §89.1205(g).
- If triggered, you must publish the notice in the alternative language taught in the bilingual education program. You must publish this notice in a newspaper or publication primarily published in that alternative language. The newspaper or publication must be of general circulation in the county in which the facility is located or proposed to be located. If the facility is located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.
- You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements.
- You have the burden to demonstrate compliance with these requirements. To assist you in meeting these requirements, the TCEQ has provided a Public Notice Verification Form (enclosed). You must fill out the attached Public Notice Verification Form indicating your compliance with the requirements regarding publication in an alternative language.
- If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. You may obtain the electronic version of the Spanish template from the TCEQ website at www.tceq.state.tx.us/goto/templates/spanish/wq/nori.
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

Proof of Publication

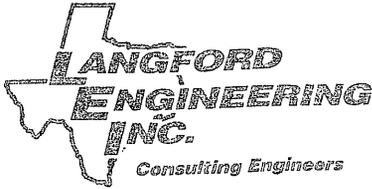
- Check each publication to ensure that the notices were accurately published. If a notice was not published correctly you may have to republish.
- You must submit an **original newspaper clipping** of the published notice for each newspaper. The original newspaper clipping must show the date of publication and the name of the newspaper. You must submit the original newspaper clipping to the Office of the Chief Clerk within **10 business days** after the date of publication.
- For each newspaper notice, you must submit an **original Publisher's Affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. For each required published notice, you must use the appropriate Publisher's Affidavit form that is enclosed with these instructions. The affidavit must clearly identify the applicant's name and permit number. X
- You are encouraged to submit the Publisher's Affidavit with the original newspaper clipping within 10 business days after the date of publication. However, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- You must fill out the attached Public Notice Verification form. On this Form, you must verify that you submitted the original notices and the Publisher's Affidavits as required by the TCEQ's regulations and instructions. This form must be submitted with the Publisher's Affidavit within **30 calendar days** after publication of the notice.
- **The original Publisher's Affidavit, the Public Notice Verification form, and the original newspaper clippings of the published notice must be mailed to:**

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087
- Please ensure that the affidavit and newspaper clipping you send to the Office of the Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.

Failure to Publish and Submit Proof of Publication

If you fail to publish the notice or submit proof of publication by the deadlines set forth above, the TCEQ may suspend further processing of your application or take other action.

Attachment D



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 AUG -1 AM 10: 26

CHIEF CLERKS OFFICE

July 26, 2007

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

Subject: Far Hills Utility District
TPDES No. WQ001-4555002
Corrected Publisher's Affidavit
LEI Job No. 233-013-106

Dear Ms. Smith:

In response to your Fax dated July 10, 2007 regarding the Montgomery County News newspaper using their own affidavit form rather than the TCEQ Publisher's Affidavit, I am enclosing the completed TCEQ Publisher's Affidavit as well as a copy of the Publisher's Affidavit that they originally submitted.

If you have any questions, please call.

Sincerely,

LANGFORD ENGINEERING, INC.

Barbara J. Kernighan, EIT

Enclosures

O:\current proj\Spring Cypress WSC\TCEQ\PubAff\Correction 07-26-2007.doc

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Far Hills Utility District
Permit No.: WQ0014555002
Notice of Intent to Obtain Permit

PUBLISHER'S AFFIDAVIT
FOR WATER QUALITY PERMITS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 AUG - 1 AM 10: 26
CHIEF CLERKS OFFICE

STATE OF TEXAS
COUNTY OF Montgomery

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

Monte Ryan West, who being by me duly sworn, deposes
(name of newspaper representative)

and says that (s)he is the Assistant Publisher
(title of newspaper representative)

of the Montgomery; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in Montgomery County, Texas or is
(Name of County)

a newspaper of general circulation in Montgomery
(Name of Municipality)

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

June 27, 2007

M. Ryan West
Newspaper Representative's Signature

Subscribed and sworn to before me this the 27 day of June,

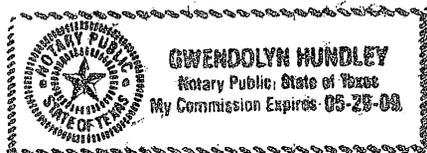
2007.

(Seal)

Gwendolyn Hundley
Notary Public in and for the State of Texas

Gwendolyn Hundley
Print or Type Name of Notary Public

My Commission Expires May 29, 2009



JUN 28 2007

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PUBLISHER'S AFFIDAVIT

2007 AUG -1 AM 10: 27

I solemnly swear that the above notice was published in *The Montgomery County News*, a newspaper printed in Montgomery County, Texas, and of general circulation in said County, as provided in the Texas Probate Code for the service of citation or notice by publication, and the date that the issue of said newspaper bore in which said notice was published was June 27, 2007. A copy of the notice published, clipped from the newspaper is attached hereto.

CHIEF CLERK'S OFFICE

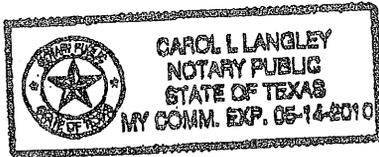
CAUSE # Job Number 233-013-106

Regina Ducharme
Publisher's Agent
Regina Ducharme

SWORN TO AND SUBSCRIBED BEFORE ME

BY Regina Ducharme

On this the 27 day of June, 2007, to certify which witness my hand and seal of office.



Carol L. Langley

Notary Public, State of Texas
Printed Name of Notary

My Commission Expires:

5-14-2010

Carol L. Langley

CHIEF CLERK'S OFFICE

2007 JUN -6 PM 2:24

ON ENVIRONMENTAL

TEXAS

Attachment E

- Verify that the address to be used on the permit is provided. **Item 1.a. or in core data form.**
- Verify correct mailing address on the USPS or FEDEX website- print page with valid address

Verify operator information if required to apply as co-permittee with facility owner. **Item 1.b.**

Verify that contact information is provided for the point-of-contact during application processing. **Item 2**

Notice of Receipt and Intent: Items 3a. - 3d.

- Verify that name and phone number of one person responsible for publishing NOR is provided.
 - Verify method of sending NOR package is provided.
 - Verify name and phone number of contact to be in NOR is provided.
 - Verify location where application will be available for public viewing & copying is provided and is in the county where the facility is located - the location must be a public building supported by public funds.
- Note: If discharge is directly into water body that borders two counties, application must be placed in a public facility in both counties.

Bilingual Items Item 3.e.

Bilingual Items 1 – 5 are completed. If “Yes” to question 1 and “Yes” to either questions 2, 3 or 4, then e.5 must be completed. *Spanish*

The existing TCEQ permit number is listed. Check that permit hasn't already expired. **Item 4.a**
 The existing NPDES permit number is listed. **Item 4.a**
 (APPLIES TO DISCHARGE PERMITS ONLY). This does not have to be a deficiency if this item is not provided.

The county where the facility and outfalls are located is provided **Item 4.b.**

Owner of the facility identified in the application is the same as the name given in Item 1. **(For new permits only: A copy of an executed option to purchase agreement may be provided to show that applicant will have ownership upon permit approval.) (NOTE: THE OWNER OF THE FACILITY IS REQUIRED TO APPLY FOR THE PERMIT. (Refer to legal policy memo for complete definition and discussion of facility.) Item 4.c.**

Owner of the land where permitted facility is located is the **SAME** as the applicant. **(For new permits only: A copy of an executed option to purchase agreement may be provided to show that applicant will have ownership upon permit approval.) Item 4.d.**

The owner of the land on which the facility is located is **DIFFERENT FROM** the owner of the facility: A copy of a lease agreement or easement, with a term for the duration of the permit, between applicant and landowner, has been provided. See Lease Agreement/Easement Memo dated 2/14/06, that states that a lease agreement is sufficient for pond systems, and that details the provisions that a lease agreement or easement must contain. Alternatively, landowner can apply as a co-permittee.

Effluent Disposal Site Owner: Item 4.e.

- N/A - (no effluent disposal proposed)
- If effluent land disposal is authorized in permit or proposed, the applicant **OWNS** land on which site is located.
- If applicant **DOES NOT OWN** land where site is located, a long-term lease agreement is provided which includes a term of at least 5 years, and is current or if the lease term has passed it includes an option to renew the term, is between the current applicant and the landowner.

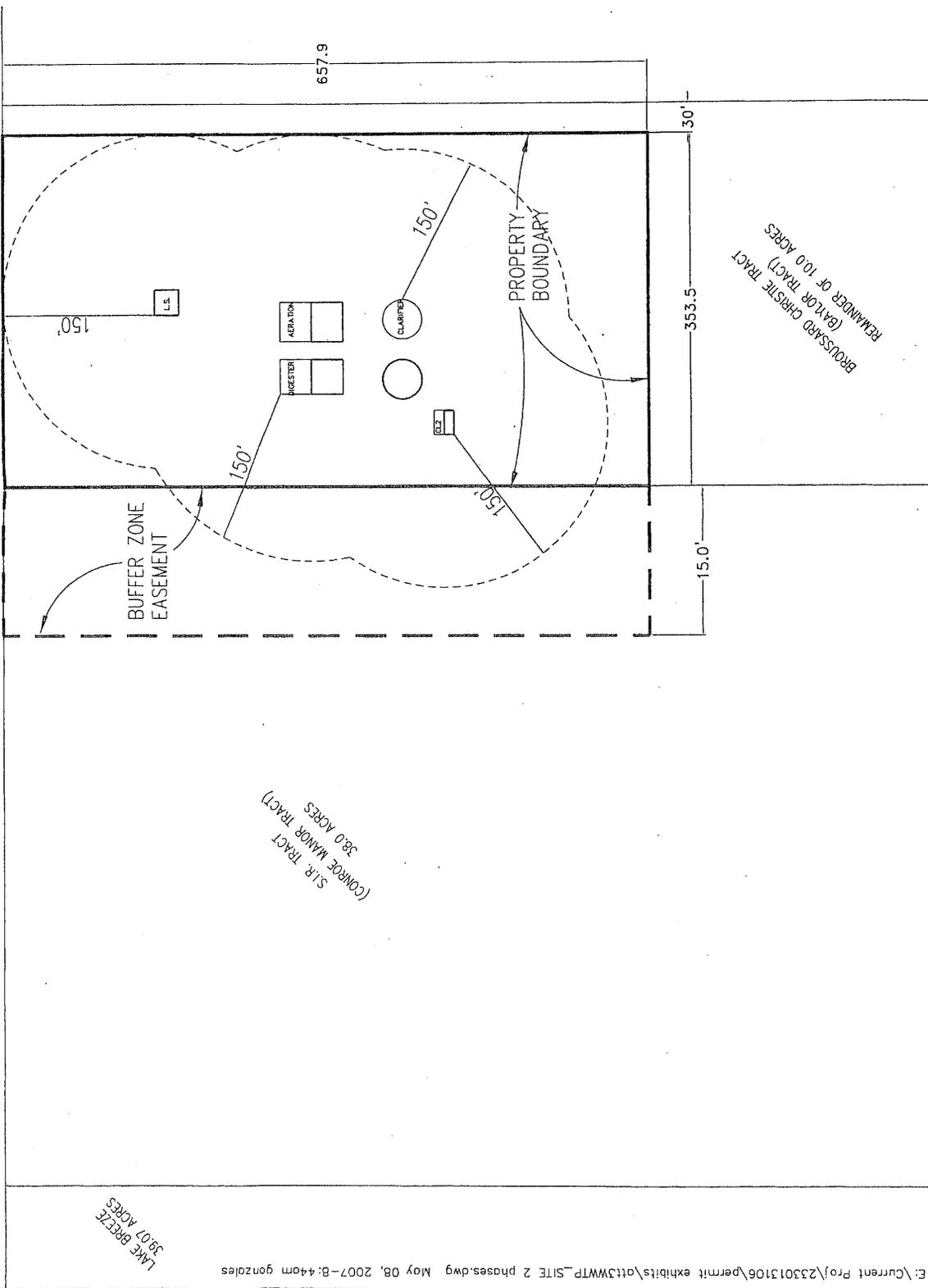
Sewage Site Owner: Item 4.f.

- N/A - (no sludge disposal proposed)
- If sludge is authorized in permit or proposed, the applicant **OWNS** land on which irrigation site is located. For current permittees check the permit under Sludge Provisions to determine if sludge is authorized. Note: requirements are different for BLU sludge application – lease is not needed; Landowner just needs to sign sludge affidavit (if different from applicant).

The written location description of the facility is adequately described. (Note on blue sheet if correction of previously permitted description has been made.) **NOTE: PERMITS ARE SITE SPECIFIC; MOST NEW LOCATION REQUIRES A NEW PERMIT, CHECK WITH TECHNICAL STAFF** **Item 5.a.**

Attachment F

CUDE CEMETERY ROAD (50' R.O.W.)



REV. MAY 3, 2007

FAR HILLS UTILITY DISTRICT MONTGOMERY COUNTY, TEXAS	
ATTACHMENT 4 BUFFER ZONE MAP ADMIN REPORT 1.1, ITEM 2.a.	
Prepared by: Engineering, Inc. consulting engineers 1500 N. Loop West, Suite 200 Houston, Texas 77002-1000	
DATE:	J.B.H. 2/13/03-105
DRAWN:	J.C. MARCH 2007
CHECKED:	J.B.H. 1" = 100'
APPROVED:	J.B.H.

Attachment G

WASTEWATER TREATMENT PLANT SITE LEASE AGREEMENT
 WITH OPTION TO PURCHASE
 BY AND BETWEEN
 BROUSSARD-CHRISTIE, L.P.
 (as Lessor/Optionor)
 AND
 FAR HILLS UTILITY DISTRICT
 (as Lessee/Optionee)

THE STATE OF TEXAS §
 §
 COUNTY OF MONTGOMERY §

This LEASE AGREEMENT WITH OPTION TO PURCHASE (the "Lease and Option Agreement") is made and entered into as of this 1st day of April, 2008, by and between BROUSSARD-CHRISTIE, L.P., a Texas limited partnership (the "Lessor/Optionor"), and FAR HILLS UTILITY DISTRICT, a conservation and reclamation district and a body politic and corporate and governmental agency of the State of Texas (the "Lessee/Optionee"). THIS LEASE AND OPTION AGREEMENT IS TO BE RECORDED IN THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.

WITNESSETH

1. Leased Property: Subject to the terms, provisions, and conditions hereinafter set forth, and in consideration of the covenants of payment and performance stipulated herein, Lessor/Optionor for the sole, exclusive use of Lessee and/or Lessees agents, employees, guests, consultants or invitees, has leased, demised and let, and by these presents does hereby lease, demise and let unto Lessee/Optionee, that certain real property (the "Subject Real Property") covering an area of approximately 10.00 acres, more fully described on Exhibit "A" attached hereto and made a part hereof for all purposes, with an option to purchase the Subject Real Property, as set forth in Section 11 hereof.

2. Parties: The Lessor/Optionor and Lessee/Optionee hereunder are designated in the first paragraph of this Lease and Option Agreement. As hereinafter used, the terms "Lessor/Optionor" and "Lessee/Optionee" shall, unless the contrary is clearly intended, include the respective parties and their agents, employees, consultants, and other representatives.

3. Term of Lease: The Lease and Option Agreement shall commence on April 1, 2008, and unless sooner terminated under the provisions hereof, this Lease and Option Agreement shall continue in full force and effect for one (1) year from the date hereof to be automatically renewed for up to two (2) periods of six (6) months each if and until the option to purchase herein contained is not exercised by Lessee/Optionee or if Lessee/Optionee chooses not to renew.

4. Lease Payments, Taxes, Assessments, and Other Expenses: Lessee/Optionee, in consideration for this Lease and Option Agreement, promises and agrees to pay Lessor/Optionor while this Lease and Option Agreement remains in full force and effect as monthly rental for the Subject Real Property, \$4,275.00 per month. Such monthly rental shall be due in advance on the

Attachment H



Attachment H: Photo depicting Far Hills Utility District truck on roadway placed within 10 feet of O'Neal property, in area cleared by Far Hills up to the O'Neal property line, and stormwater management measures installed by Far Hills adjacent to O'Neal property line.

Attachment I



Attachment I: Photo depicting equipment operated by Far Hills Utility District in front of house located on the 10 acre property, with road visible near O'Neal property line, and stormwater control measures installed adjacent to O'Neal property line.

Attachment J

AFFIDAVIT OF SUZANNE O'NEAL

STATE OF TEXAS

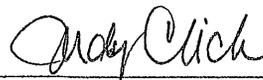
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned notary public, on this day personally appeared Suzanne O'Neal, who being duly sworn, on her oath stated that she has read the following Affidavit, and it is true and correct, and that every statement contained herein is within her personal knowledge.

1. My name is Suzanne O'Neal. I am over eighteen (18) years of age and of sound mind, have never been convicted of a felony, and am otherwise capable of making this affidavit.
2. I am the owner of a 6.44± acre tract of land located at 11280 Cude Cemetery Rd. Willis, Tx 77318. This property was designated as Property No. 79 on the landowners list submitted by Far Hills Utility District in their application for a wastewater discharge permit dated April 2, 2007. I have continuously owned this property since March 3, 1995.
3. I have resided on this 6.44± acre tract of land located at 11280 Cude Cemetery Rd. Willis, Tx 77318 since March of 1995. I use this land for my home, entertaining, the scenic views and solitude, nature walks.
4. I have a water well system on my property which I use for my drinking water, vegetable garden, and pets.
5. I received no mailed notice of the application of Far Hills Utility District to construct or operate a wastewater treatment plant adjacent to my property, nor was I aware of any published notice of the application. I first learned of this proposed facility in the Fall of 2008, when Far Hills commenced construction activities on property adjacent to my property.

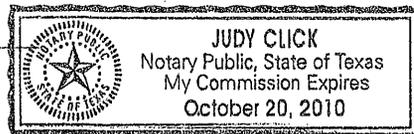

Suzanne O'Neal

SUBSCRIBED AND SWORN TO before me this 23 day of February, 2009.



Notary Public, State of Texas

My commission expires 10-20-2010



Attachment K

AFFIDAVIT OF JUDITH SPENCER

STATE OF TEXAS

COUNTY OF MONTGOMERY

BEFORE ME, the undersigned notary public, on this day personally appeared Judith Spencer, who being duly sworn, on her oath stated that she has read the following Affidavit, and it is true and correct, and that every statement contained herein is within her personal knowledge.

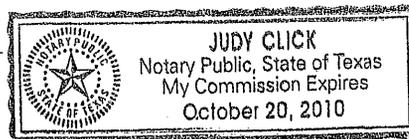
1. My name is Judith Spencer. I am over eighteen (18) years of age and of sound mind, have never been convicted of a felony, and am otherwise capable of making this affidavit.
2. I am the owner of a 5.1± acre tract of land located at 11298 Cude Cemetery Road near Willis, Texas. This property was designated as Property No. 80 on the landowners list submitted by Far Hills Utility District in their application for a wastewater discharge permit dated April 2, 2007. I have continuously owned this property since 1995.
3. I have resided on this 5.1± acre tract of land located at 11298 Cude Cemetery Road since 1995. I use this land for my home, entertaining, nature walks, scenic views.
4. I have a water well on this property which I use for my personal drinking water and pets.
5. I received no mailed notice of the application of Far Hills Utility District to construct or operate a wastewater treatment plant adjacent to my property, nor was I aware of any published notice of the application. I first learned of this proposed facility in the fall of 2008, when I observed construction activities on property adjacent to my property.


Judith Spencer

SUBSCRIBED AND SWORN TO before me this 24 day of February, 2009.


Notary Public, State of Texas

My commission expires: 10-20-2010



Attachment L

AFFIDAVIT OF EVERETTE SIMMONS

STATE OF TEXAS

COUNTY OF MONTGOMERY

BEFORE ME, the undersigned notary public, on this day personally appeared Everett Simmons, who being duly sworn, on his oath stated that he has read the following Affidavit, and it is true and correct, and that every statement contained herein is within his personal knowledge.

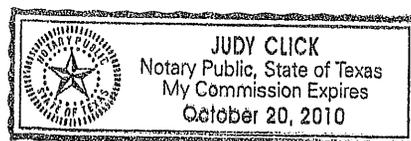
1. My name is Everett Simmons. I am over eighteen (18) years of age and of sound mind, have never been convicted of a felony, and am otherwise capable of making this affidavit.
2. I am the owner of a 1.0± acre tract of land located at 11701 Hillside Drive near Willis, Texas. This property was designated as Property No. 81 on the landowners list submitted by Far Hills Utility District in their application for a wastewater discharge permit dated April 2, 2007. I have continuously owned this property since 1982.
3. I have resided on this 1.0± acre tract of land located at 11701 Hillside Drive since 1982. I use this land for my home, enjoying the water views, solitude, and enjoying nature.
4. I have a water well system on this property which I use for my drinking water, vegetable garden, and pets.
5. I received no mailed notice of the application of Far Hills Utility District to construct or operate a wastewater treatment plant on land adjacent to my property, nor was I aware of any published notice of the application. I first learned of this proposed facility in February 2009, when my neighbor informed me.

Everett Simmons
Everett Simmons

SUBSCRIBED AND SWORN TO before me this 24 day of February, 2009.

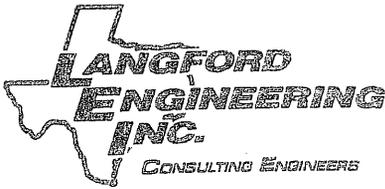
Judy Click
Notary Public, State of Texas

My commission expires: 10-20-2010



Attachment M

LANDOWNERS MAP AND LIST
ORIGINALLY SUBMITTED WITH APPLICATION DATED APRIL 2, 2007



April 2, 2007

Via Federal Express

Application Review & Processing Team
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Subject: Far Hills Utility District
New Domestic Wastewater Permit Application
LEI Job No. 233-013-106

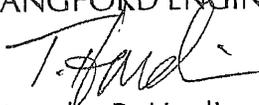
Dear Applications Review & Processing Team:

Enclosed are the original and three (3) copies of the subject new permit application. A check in the amount of One Thousand Seven Hundred Dollars (\$1,700.00) has been forwarded to the TCEQ Revenues Section (MC 214) under separate cover, a copy is enclosed.

If you have any questions, please call.

Sincerely,

LANGFORD ENGINEERING, INC.


Timothy B. Hardin, P.E.
Vice President

Enclosures

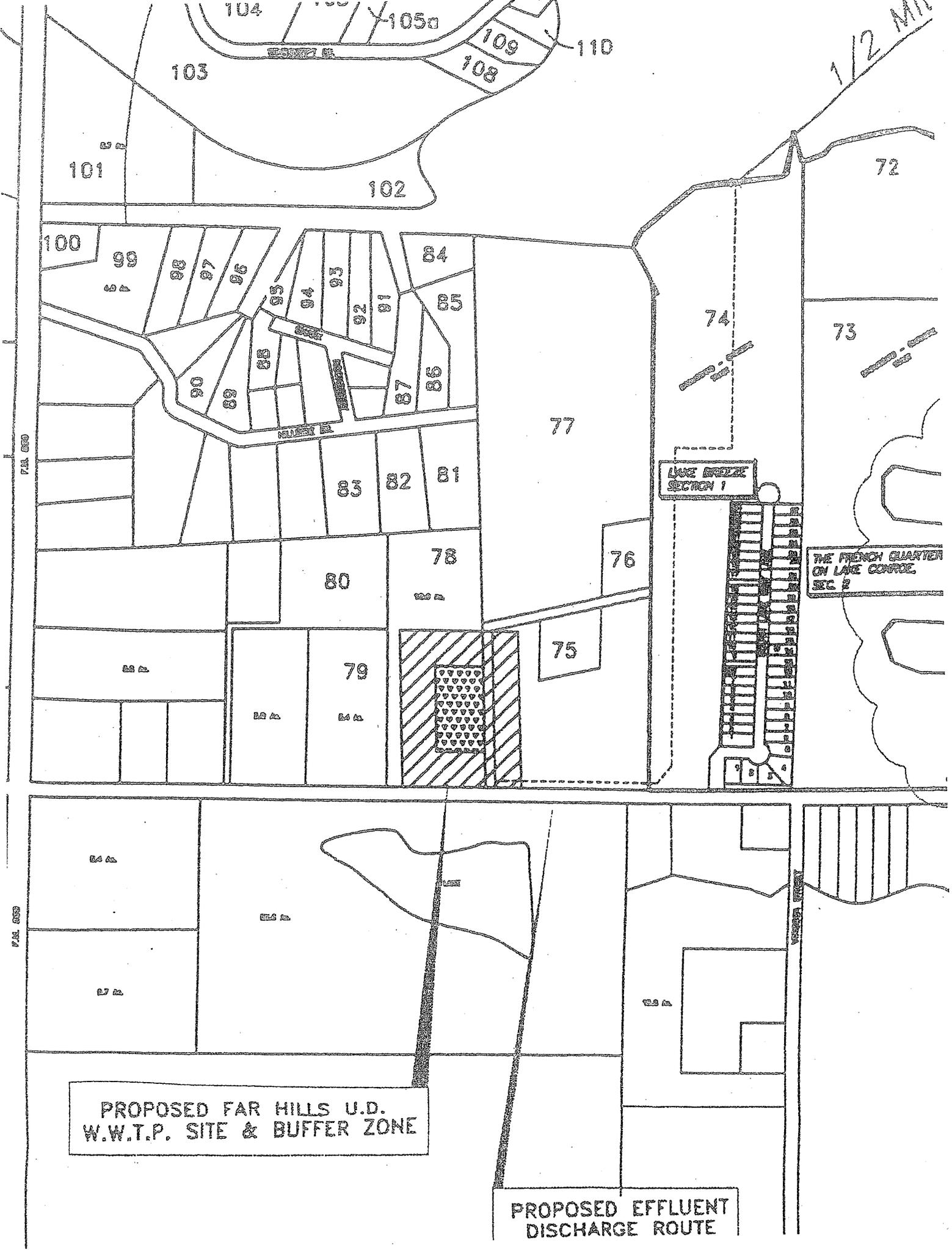
cc: Mr. Jim Haymon – Far Hills Utility District
Ms. Ruth Clark – Far Hills Utility District
Ms. Regina Adams – Johnson Radcliffe Petrov & Bobbitt, PLLC

RECEIVED

APR 11 2007

Water Quality Division
Application Team

E:\Current Proj\Far Hills U.D.\233-013-106\TCEQ Applications 04-02-2007.doc



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LAKE BREEZE SECTION 1

THE FRENCH QUARTER ON LAKE CORSE, SEC 2

PROPOSED FAR HILLS U.D. W.W.T.P. SITE & BUFFER ZONE

PROPOSED EFFLUENT DISCHARGE ROUTE

711 639

711 639

67

JOSEPH W WILLARD
REVOCABLE DECLARATION OF TRUST
1754 TEAGUE LN
KERNERSVILLE NC 27284-7525

68

JOSE EDUARDO AND MEGAN MARIE GARCIA
137 MILTON AVE
YOUNGSTOWN OH 44509-2846

69

CAROLYN WINSEY
2823 BROKEN ARROW
MISSOURI CITY TX 77459-6917

70

KEVIN B SMITH
2211 S KIRKWOOD DR
HOUSTON TX 77077-6116

71

RONALD GLENN AND CAROL HARDY
22304 PINE TREE LN
HOCKLEY TX 77447-8770

72

BROUSSARD -CHRISTIE LP
10510 CUDE CEMETERY RD
WILLIS TX 77318-522

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BROUSSARD -CHRISTIE LP
10510 CUDE CEMETERY RD
WILLIS TX 77318-522

74

BROUSSARD -CHRISTIE LP
10510 CUDE CEMETERY RD
WILLIS TX 77318-522

75

THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 7706-2512

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THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 7706-2512

77

THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 7706-2512

STATE OF TEXAS 1
COUNTY OF TARRANT 1
HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
78 A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

FEB 23 2009

DENNIS BAYLOR
11266 CUDE CEMETERY RD
WILLIS TX 77318-5525

DOCUMENT PREPARED BY THE COM-
MISSIONER, ENVIRONMENTAL QUALITY DEPARTMENT, AT THE HEADQUARTERS OFFICE



RIK WILLIAMS
ALTERNATE CLERK OF RECORDS
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

79. SUZANNE V O'NEAL
11280 CUDE CEMETERY RD
WILLIS TX 77318-5525

80. JUDITH A SPENCER
11298 CUDE CEMETERY RD
WILLIS TX 77318-5525

81. EVERETT H SIMMONS
11071 HILLSIDE DR
WILLIS TX 77318-6542

82. MARK D GROVES
11125 HILLSIDE DR
WILLIS TX 77318-6543

83. MARK AND REBECCA L DAVIS
11163 HILLSIDE DR
WILLIS TX 77318-6543

84. THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 77006-2512

85. DOUGLAS C MILWARD
11008 HILLSIDE DR
WILLIS TX 77318-6538

86. PERICLES M AND SILKA PUJOLS
2401 MUSTANG DR
CONROE TX 77384-3358

87. RISHAD AND NATALIE ALIKHAN
2401 ALABANS RD
HOUSTON TX 77005-1417

88. DAVID AND DIANA SCRUTON
11126 STARK ST
WILLIS TX 77318-6552

89. RISHAD ALIKHAN
12411 DONNA DR
HOUSTON TX 77067

90. HERB AND MARY BETH TUTTLE
11156 STARK ST
WILLIS TX 77318-6552

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S

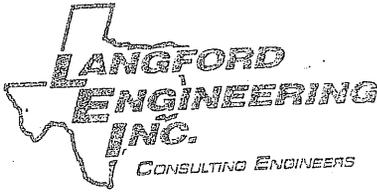
Attachment N

R237423

Current Owner		Legal Description		Exemptions		Appraised	
ONEAL, SUZANNE V (00033184) 11280 CUDE CEMETERY RD WILLIS, TX 77318-5525		A0007 COLLARD E, TRACT 55-E, ACRES 6.440		HS		231,120	
Situs Address		History Information		2006		2005	
11280 CUDE CEMETERY RD WILLIS, TX 77378		2008		2007		2005	
Sales		2008		2007		2005	
Date	Volume	Page	Seller Name	Imp HS	Imp NHS	Land HS	Land NHS
07/01/2005	867.10	2587	ONEAL, ROBERT J & SUZANNE V	\$166,720	\$0	\$64,400	\$0
				Ag Mkt	\$0	\$0	\$0
				Ag Use	\$0	\$0	\$0
				Tim Mkt	\$0	\$0	\$0
				Tim Use	\$0	\$0	\$0
				HS Cap	\$12,310	-	-
				Assessed	\$218,810	\$198,920	\$198,920
Improvement Sketch							
Building Attributes							
Construction	Foundation	Exterior	Interior	Roof	Flooring		
	1	R9	1-2	1	1,2		
Heat/AC	Baths	Fireplace	Year Built	Rooms	Bedrooms		
RH1,RC1	13,2FB,1HB,	1M1	1995				
Improvements							
Type Description	Area	Year Built	Eff Year	Value			
R Residential				\$161,720			
MA Main Area	2443	1995	1995	\$134,640			
OFF Open Frame Porch	226	1995	1995	\$5,160			
OMP Open Masonry Porch	204	1995	1995	\$5,370			
DBG Detached Brick Garage	528	1995	1995	\$16,550			
I Misc. Improvement				\$5,000			
Land Segments							
SPTB Description	Area	Market	Ag Value				
E1 Secondary Acreage	6.44	103,040	0				

Attachment O

REVISED LANDOWNERS MAP AND LIST USED FOR MAILED NOTICE
DATED MAY 16, 2007



RECEIVED

MAY 18 2007

Water Quality Division
Application Team

May 16, 2007

Via FedEx

Ms. Adriene McClarron
Applications Review and Processing Team (MC 148)
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

RE: Far Hills Utility District - Application for Proposed
Permit No. WQ0014555002
LEI Job No. 233-013-106

Dear Ms. McClarron:

The following is offered in response to your request for additional information related to the referenced application (numbered responses coincide with the list in your fax correspondence dated May 16, 2007):

1. Errors on the landowner map have been corrected. The map revised map reflects properties 74, 83 and 114. A copy of the Landowner Map, revised May 16, 2007, is enclosed.
2. A revised file of landowner mailing labels has been prepared that does not include duplicate property owners. A CD of landowner mailing labels, revised May 16, 2007, is enclosed.
3. The property owners list has been revised to correct a sequencing error. A property owner list, revised May 16, 2007, is enclosed.

Please contact this office if you require additional information.

Sincerely,

LANGFORD ENGINEERING, INC.

Timothy B. Hardin, P.E.
Vice President

Enclosures

xc: Mr. Jim Haymon – Far Hills Utility District
Ms. Regina Adams – Johnson Radcliffe Petrov & Bobbitt, PLLC

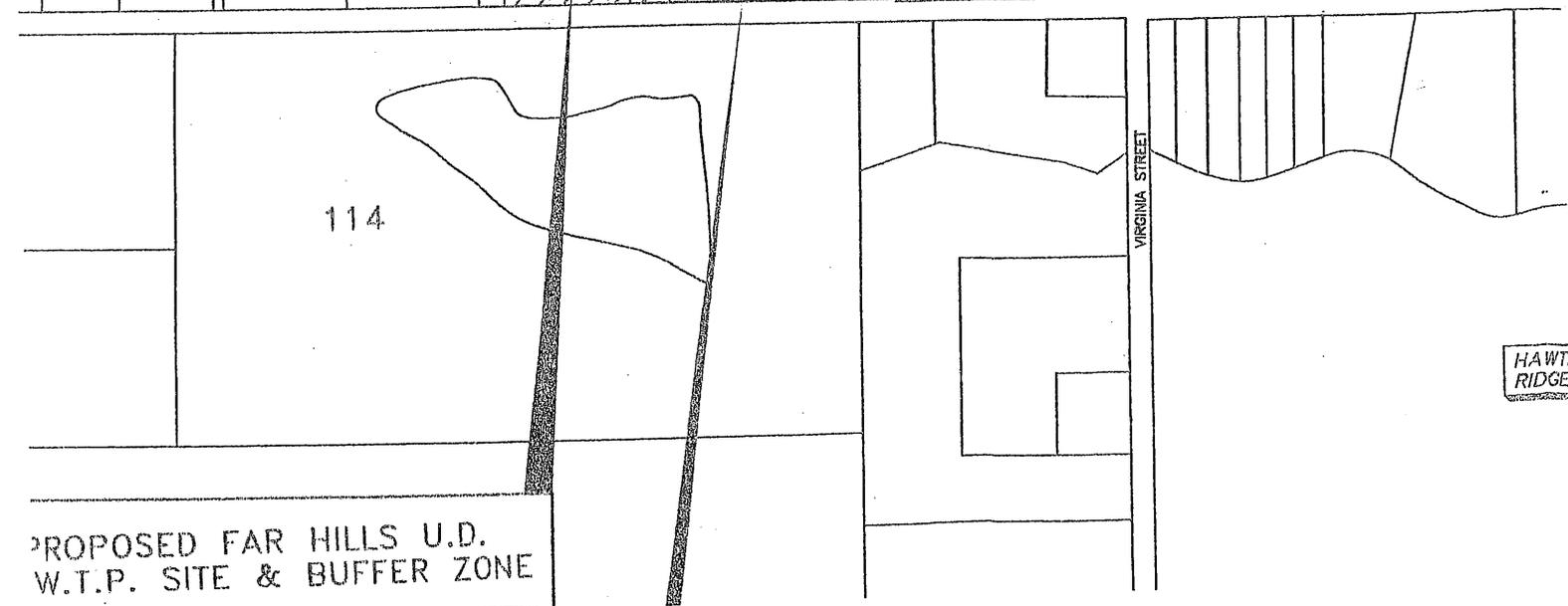
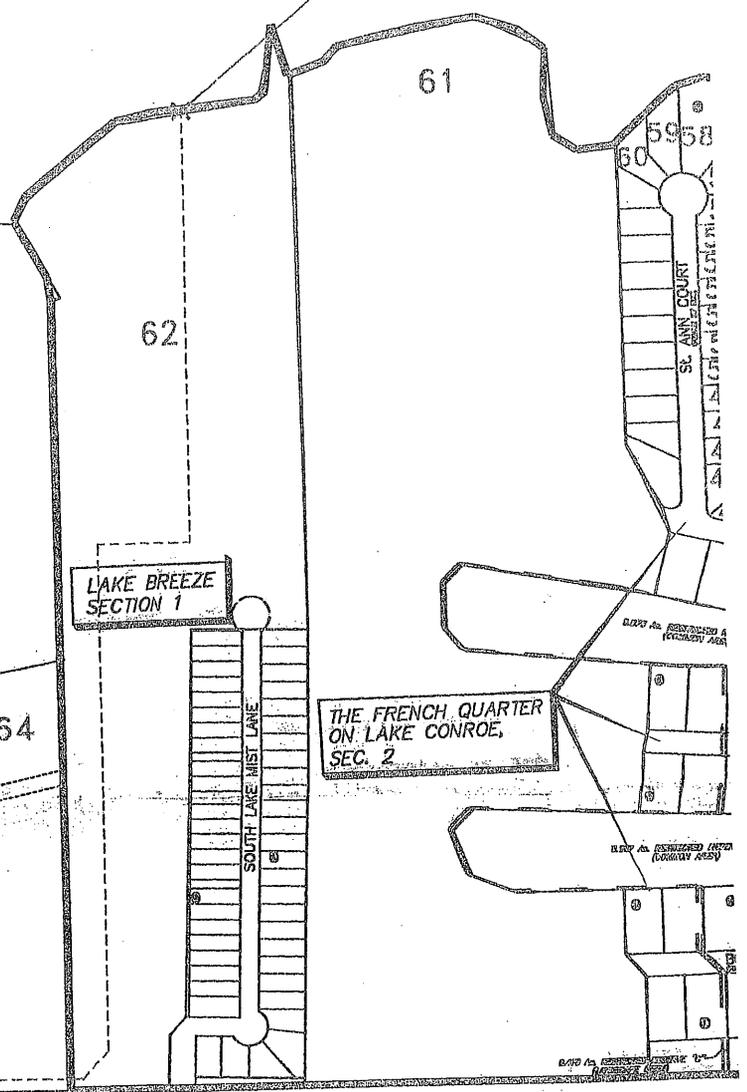
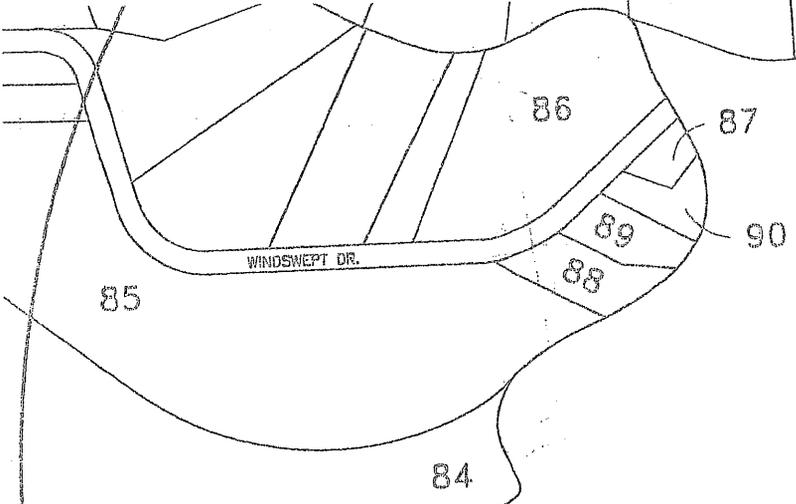
E:\Current Proj\Far Hills UDA\233-013-106\May 16, 2007\LEQ 05-16-2007.doc

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MAY 17 2007

WATER QUALITY DIVISION

1/2 MILE RADIUS



PROPOSED FAR HILLS U.D. W.T.P. SITE & BUFFER ZONE

HAWTHORNE RIDGE

FAR HILLS UTILITY DISTRICT

ATTACHMENT 2

LANDOWNER REFERENCE MAP

ADMIN. REPORT 1.1, ITEM 1.a.

REV. MAY 3, 2007

REV. MAY 16, 2007

Langford
engineering, inc. consulting engineers

Phone 713-461-3530 Fax 713-932-7505

1080 W. Sam Houston Pkwy. N. Suite 200

Houston, Texas 77043-5014

RECEIVED

MAY 10 2007

Water Quality Division
Application Team

MAY 18 2007

Water Quality Divis
Application Team

60. MICHEAL F JOYCE ALLMANDINGER
27200 BARKERS WAY
TEHACHAPI CA 93561-7054

61. BROUSSARD - CHRISTIE LP
10510 CUDE CEMETERY RD
WILLIS TX 77318-522

62. BROUSSARD - CHRISTIE LP
10510 CUDE CEMETERY RD
WILLIS TX 77318-522

63. THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 7706-2512

64. THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 7706-2512

65. THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 7706-2512

66. BROUSSARD CHRISTIE, LP.
10510 CUDE CEMETERY
WILLIS TX 77318-522

67. THE CONROE MANOR LTD
2404 COMMONWEALTH ST
HOUSTON TX 77006-2512

68. DOUGLAS C MILWARD
11008 HILLSIDE DR
WILLIS TX 77318-6538

69. PERICLES M AND SILKA PUJOLS
2401 MUSTANG DR
CONROE TX 77384-3358

70. RISHAD AND NATALIE ALIKHAN
2401 ALABANS RD
HOUSTON TX 77005-1417

71. DAVID AND DIANA SCRUTON
11126 STARK ST
WILLIS TX 77318-6552

72. RISHAD ALIKHAN
12411 DONNA DR
HOUSTON TX 77067

STATE OF TEXAS
COUNTY OF TRAVIS
HEREBY CERTIFY THAT I AM A TRUE AND CORRECT COPY OF
A TRUE AND CORRECT COPY OF RECORDS

FEB 23 2009

COMMUNITY DEVELOPMENT DIVISION OF THE COM-
MISSIONER GENERAL INVESTIGATIVE DIVISION OF OFFICE

MARK H. HUGGINS
ALTERNATE ELECTRONIC RECORDS
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Attachment P

Attachment Q

Current Owner		Legal Description		Exemptions		Appraised	
SPENCER, JUDITH A (86311) 11298 CUDE CEMETERY RD WILLIS, TX 77318-5525		A0007 COLLARD E, TRACT 55-D, ACRES 5.116		HS		192,970	
Situs Address		Exemptions		Entities		Homestead Cap	
11298 CUDE CEMETERY RD WILLIS, TX 77378		F01, GMO, HM1, JNH, SWI		8,290			
History Information							
		2008	2007	2006	2005		
Imp HS		\$119,400	\$119,400	\$119,400	\$119,400		\$119,400
Imp NHS		-	-	-	-		-
Land HS		\$81,860	\$81,860	\$25,580	\$25,580		\$25,580
Land NHS		-	-	-	-		-
Ag Mkt		-	-	-	-		-
Ag Use		-	-	-	-		-
Tim Mkt		-	-	-	-		-
Tim Use		-	-	-	-		-
HS Cap		\$25,830	\$41,780	-	-		-
Assessed		\$175,430	\$159,480	\$144,980	\$144,980		\$144,980
Improvement Sketch							
Sales							
Date	Volume	Page	Seller Name				
06/29/1995	989.01	0525	HUGHES, LARRY E				
Building Attributes							
Construction	Foundation	Exterior	Interior	Roof	Flooring		
	1	R1	1-2	1	1,2		
Heat/AC	Baths	Fireplace	Year Built	Rooms	Bedrooms		
RH1,RC1	13,2FB,1HB, 0.5	1M1	1995				
Improvements							
Type	Description	Area	Year Built	Eff Year	Value		
R	Residential				\$114,400		
MA	Main Area	2108	1995	1995	\$98,680		
OMP	Open Masonry Porch	240	1995	1995	\$5,070		
OMP	Open Masonry Porch	102	1995	1995	\$2,160		
BG	Attached Brick Garage	484	1995	1995	\$8,490		
I	Misc. Improvement				\$5,000		
Land Segments							
SPTB	Description	Area	Market	Ag Value			
E1	Secondary Acreage	5.116	81,860				