

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 4, 2009

TO: Persons on the Attached Mailing List

RE: TCEQ Docket No. 2009-0290-MWD; Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 issued to Far Hills Utility District, filed by Eric Allmon on behalf of Suzanne O'Neal, Judith Spencer and Everett Simmons.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **June 26, 2009 at 9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas. The Petitioners, Executive Director, Office of Public Interest Counsel, and Far Hills Utility District will be given five minutes each for oral argument. The Petitioners may save part of their time for rebuttal.

Should you need any additional information, please contact Melissa Chao at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/mc

MAILING LIST
FAR HILLS UTILITY DISTRICT
DOCKET NO. 2009-0290-MWD

FOR THE PETITIONERS:

Eric Allmon
Lowerre & Frederick
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Austin, Texas 78701
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FOR THE PERMIT HOLDER:

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INTERESTED PERSONS:

The Honorable Robert Nichols
Texas State Senator
Senate District 3
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Austin, Texas 78711

The Honorable Brandon Creighton
Texas State Representative
House District 16
P.O. Box 2910
Austin, Texas 78768

FOR THE EXECUTIVE DIRECTOR:

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June Ella Martinez, Technical Staff
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Water Quality Division, MC-148
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FOR THE OFFICE OF PUBLIC INTEREST
COUNSEL:

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FOR THE OFFICE OF PUBLIC
ASSISTANCE:

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Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
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Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE
RESOLUTION:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
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Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE OFFICE OF CHIEF CLERK:

Docket Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
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Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

Buddy Garcia, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 18, 2009

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAY 18 PM 3:08
CHIEF CLERKS OFFICE

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 issued to Far Hills Utility District, filed by Eric Allmon on behalf of Suzanne O'Neal, Judith Spencer and Everett Simmons; TCEQ Docket No. 2009-0290-MWD

This letter is in response to the Motion to Extend Filing Deadlines by the Executive Director in the above-referenced matter. After a review of the request, I have determined to extend all of the deadlines for briefings pursuant to 30 TAC § 10.3. Accordingly, the Permit Holder, the Executive Director, and the Office of Public Interest Counsel may file a response (or supplement to filed responses) to the Petition on or before **5:00 P.M. on Friday, May 22, 2009**. The Petitioner may file one reply to all of the responses (regardless when filed) on or before **5:00 P.M. on Monday, June 1, 2009**. To be considered timely, an original and seven copies of any response or reply must be received in the Office of Chief Clerk (OCC) on or before the respective 5:00 P.M. deadline established by this letter and served on all persons on the attached mailing list. All responses and any reply should be addressed to the attention of the OCC Agenda Docket Clerk and be marked with the above-referenced TCEQ Docket Number. All persons on the attached mailing list will be notified by separate letter when the Petition and related filings will be set for consideration by the Commission during an open meeting.

If you have any questions about the extended briefing schedule or related matters, please contact Todd Burkey at 512/239-2941.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
Far Hills Utility District
TCEQ Docket No. 2009-0290-MWD

Eric Allmon
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Allmon & Rockwell
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Far Hills Utility District
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Langford Engineering, Inc.
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The Honorable Robert Nichols
Texas State Senator
Senate District 3
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The Honorable Brandon Creighton
Texas State Representative
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Blas Coy
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512/239-4000 FAX 512/239-4007

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 18, 2009

VIA HAND DELIVERY

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

RE: Petition to Revoke TPDES Permit No. WQ0014555002 and Request for Enforcement Action submitted on behalf of Suzanne O'Neal, Judith Spencer, and Everett Simmons; TCEQ Docket No. 2009-0290-MWD

Dear Ms. Castañuela:

Enclosed for filing in the above styled application is the original and seven copies of:
"Motion to Extend Filing Deadlines."

If you have any questions or comments, please call me at 239-0455. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Williams", written over a horizontal line.

John E. Williams, Staff Attorney
Environmental Law Division MC 173

Enclosure

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAY 18 PM 1:30
CHIEF CLERKS OFFICE

TCEQ Docket No. 2009-0290-MWD

2009 MAY 18 PM 1:30

Petition to
REVOKE
TPDES Permit No. WQ0014555002
and **REQUEST FOR ENFORCEMENT**
ACTION
submitted on behalf of
SUZANNE O'NEAL, JUDITH
SPENCER, and EVERETT SIMMONS

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CHIEF CLERKS OFFICE
Before the
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MOTION TO EXTEND FILING DEADLINES

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Motion to Extend Filing Deadlines on the Petition to Revoke Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014555002 issued to Far Hills Utility District and Request for Enforcement Action (Petition and Request), filed by Suzanne O'Neal, Judith Spencer, and Everett Simmons (Petitioners). This matter is not currently set for Commission hearing.

The Executive Director requests an extension of the filing deadline because he did not receive notice of the briefing schedule until half an hour before the filing deadline. The Executive Director received notice when the Office of Public Interest Counsel filed its Response to the Petition and Request on Friday afternoon, May 15, 2009, and faxed its Response to the Executive Director. When the Executive Director asked the Public Interest Counsel why he filed a brief without a briefing schedule from the General Counsel, the Public Interest Counsel replied that he had only learned of the briefing schedule on Tuesday, May 12, from Eric Allmon on behalf of the Petitioners, and only retrieved a copy of the briefing schedule letter from the Office of the Chief Clerk on Wednesday, May 13, 2009. Mr. Allmon graciously provided the Executive Director with an electronic copy of the General Counsel's briefing schedule letter at 4:59 P.M. on Friday, May 15, 2009.

The Executive Director is interested and wishes to brief the Commissioners on this matter.

The Executive Director has conferred with the parties in this matter and a Certificate of Conference is attached. Mr. Blas Coy, the Public Interest Counsel, has no objection to a continuance. Mr. Eric Allmon, representing the Petitioners, has no objection to a continuance. Mr. Jim Haymon, President of Far Hills Utility District, and Regina Adams, counsel representing Far Hills, also have no objection to a continuance.

A continuance is more properly used when a matter has been set for a Commission hearing. 30 TAC § 10.4. In this case, the General Counsel has not set an agenda date.

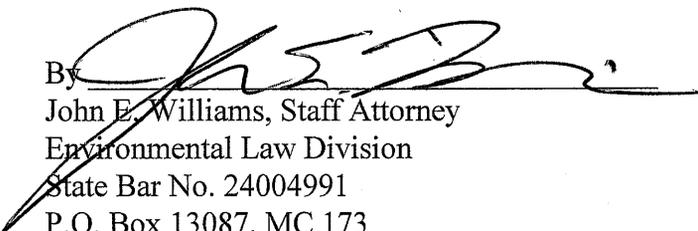
The General Counsel, either by agreement of the interested persons and any judge assigned to the matter, or on the General Counsel's own motion, may extend a filing deadline. 30 TAC § 10.3.

For these reasons, the Executive Director respectfully asks the General Counsel to extend the filing deadline for the Executive Director's brief on this matter for one week, until 5:00 P.M. on Friday, May 22, 2009, and to extend the filing deadline for the Petitioners to reply until 5:00 P.M. on Friday, May 29, 2009, or perhaps until 5:00 P.M. on Monday, June 1, 2009 (because of the intervening holiday).

Respectfully submitted,

Texas Commission on Environmental Quality

Robert Martinez, Director
Environmental Law Division

By 
John E. Williams, Staff Attorney
Environmental Law Division

State Bar No. 24004991
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
512-239-0455

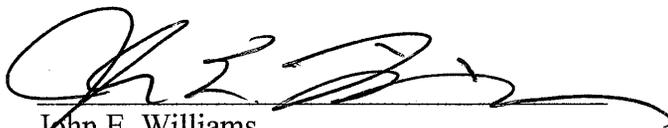
Representing the Executive Director of the Texas
Commission on Environmental Quality

VERIFICATION

STATE OF TEXAS
COUNTY OF TRAVIS

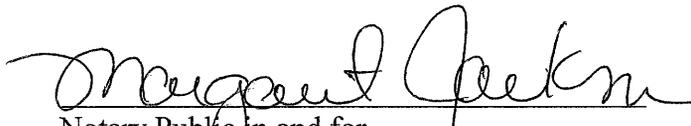
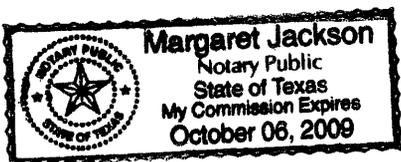
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§

Before me, the undersigned notary, on this day, personally appeared **John E. Williams**, a person whose identity is known to me. After I administered an oath to him, upon his oath, he said he read the Motion to Extend Filing Deadlines and the facts stated in it are within his personal knowledge and are true and correct.



John E. Williams

SWORN TO and SUBSCRIBED before me by John E. Williams on May 18, 2009.

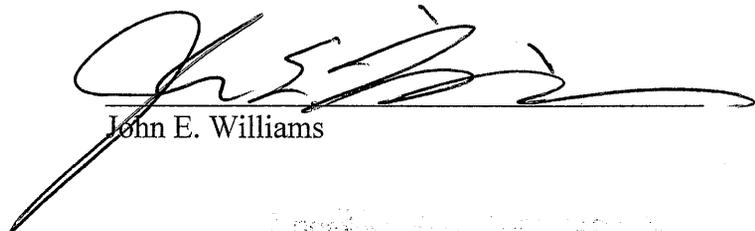

Notary Public in and for
The State of Texas

My Commission expires: Oct 6, 2009

CERTIFICATE OF CONFERENCE

I certify that I have conferred by phone with Blas Coy (Public Interest Counsel) and with Eric Allmon (representing the Petitioners) on May 15, 2009, and with Jim Haymon (President of Far Hills Utility District) and Regina Adams (representing Far Hills) on May 18, 2009, and no one objected to a continuance.

Therefore, this matter is presented to the General Counsel for determination.

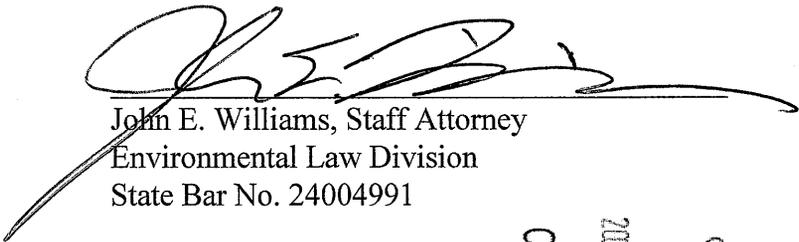


John E. Williams



CERTIFICATE OF SERVICE

I certify that on May 18, 2009, the original and seven copies of this "Motion to Extend Filing Deadlines" on the Petition to Revoke Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014555002 issued to Far Hills Utility District and Request for Enforcement Action, TCEQ Docket No. 2009-0290-MWD, was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and a copy was mailed to all persons on the attached mailing list, faxed to all persons with a fax-number on the attached mailing list, and an electronically scanned copy was electronically mailed to all persons with an e-mail address on the attached mailing list.



John E. Williams, Staff Attorney
Environmental Law Division
State Bar No. 24004991

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAY 18 PM 1:30
CHIEF CLERKS OFFICE

MAILING LIST

Petition to Revoke TPDES Permit No. WQ0014555002
TCEQ Docket No. 2005-1094-MWD

FOR THE PETITIONERS:

Eric Allmon, Attorney
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FOR THE PERMIT HOLDER:

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Far Hills Utility District
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FOR THE EXECUTIVE DIRECTOR:

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FOR PUBLIC INTEREST COUNSEL:

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Public Interest Counsel, MC-103
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FOR INTERESTED PERSONS:

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Texas State Senator
Senate District 3
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Austin, TX 78711
FAX: 512-463-0326

The Honorable Brandon Creighton
Texas State Representative
House District 16
P.O. Box 2910
Austin, TX 78768
FAX: 512-463-5896

FOR THE OFFICE OF CHIEF CLERK:

LaDonna Castañuela
Office of Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Via Hand Delivery Only

FOR THE OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
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Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAY -4 PM 4: 08

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

May 4, 2009

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 issued to Far Hills Utility District, filed by Eric Allmon on behalf of Suzanne O'Neal, Judith Spencer and Everett Simmons; TCEQ Docket No. 2009-0290-MWD

This letter is to notify all persons on the attached mailing list of the briefing schedule established with regard to the above-described Petition to Revoke TCEQ Permit No. WQ0014555002. A copy of the Petition may be obtained by contacting the Office of Chief Clerk at 512-239-3300. The address for the Office of Chief Clerk is TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087.

The Permit Holder, the Executive Director, and the Office of Public Interest Counsel may file a response to the Petition on or before **5:00 P. M. on Friday, May 15, 2009**. The Petitioner or their representative may file a reply to the response(s) on or before **5:00 P.M. on Friday, May 22, 2009**. To be considered timely, an original and seven copies of any response or reply must be received in the Office of Chief Clerk (OCC) on or before the respective 5:00 P.M. deadline and served on all persons on the attached mailing list. All responses and any reply should be addressed to the attention of the OCC Agenda Docket Clerk and be marked with the TCEQ Docket number provided above. After receipt and review of the responses and reply, all persons on the attached mailing list will be notified by separate letter when the Petition and related filings will be set for consideration by the Commission during an open meeting.

If you have any questions about the briefing schedule or related matters, please contact Todd Burkey at 512/239-2941.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
Far Hills Utility District
TCEQ Docket No. 2009-0290-MWD

Eric Allmon
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Allmon & Rockwell
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James Hyman, President
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