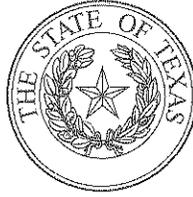


State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

July 21, 2011

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

Re: SOAH Docket No. 582-09-5727 & 582-11-0471; TCEQ Docket No. 2009-0290-MWD; In Re: Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 Issued to Far Hills Utility District and Application for a Temporary Order Submitted by Far Hills Utility District

Dear Mr. Trobman:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Supplemental Proposal for Decision and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than August 10, 2011. Any replies to exceptions or briefs must be filed in the same manner no later than August 20, 2011.

This matter has been designated TCEQ Docket No. 2009-0290-MWD ; SOAH Docket Nos. 582-09-5727 & 582-11-0471. All documents to be filed must clearly reference these assigned docket numbers. All exceptions, briefs and replies along with certification of service to the above parties shall be filed with the Chief Clerk of the TCEQ electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and seven copies with the Chief Clerk of the TCEQ. Failure to provide copies may be grounds for withholding consideration of the pleadings.

Sincerely,

A handwritten signature in black ink, appearing to read "H. D. Card".

Henry D. Card
Administrative Law Judge

HDC/lh
Enclosures
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: FAR HILLS UTILITY DISTRICT
SOAH DOCKET NUMBER: 582-09-5727
REFERRING AGENCY CASE: 2009-0290-MWD

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ HENRY D. CARD**

REPRESENTATIVE / ADDRESS

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**SOAH DOCKET NOS. 582-09-5727 & 582-11-0471
TCEQ DOCKET NO. 2009-0290-MWD**

PETITION TO REVOKE	§	BEFORE THE STATE OFFICE
	§	
TCEQ WATER QUALITY PERMIT	§	
	§	OF
NO. WQ0014555002 ISSUED TO	§	
	§	
FAR HILLS UTILITY DISTRICT	§	ADMINISTRATIVE HEARINGS
	§	
APPLICATION FOR A TEMPORARY	§	
	§	
ORDER SUBMITTED BY FAR HILLS	§	
	§	
UTILITY DISTRICT	§	

SUPPLEMENTAL PROPOSAL FOR DECISION

I. INTRODUCTION AND SUMMARY

On September 22, 2010, the Texas Commission on Environmental Quality (TCEQ or the Commission) issued an Interim Order in the Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 issued to Far Hills Utility District (Far Hills).¹ That Interim Order remanded the Proposal for Decision (PFD) in that case to the State Office of Administrative Hearings (SOAH) to determine whether suspension of Far Hills' permit may be appropriate in lieu of revocation. The Interim Order also granted the hearing requests of Suzanne O'Neal and Judith Spencer on Far Hill's Application for a Temporary Order, referred that application to SOAH, and set out specific issues to be considered in that hearing regarding the Temporary Order.² The Interim Order directed the Administrative Law Judge (ALJ) to submit a supplemental PFD in the revocation case and a PFD and Proposed Order on the Temporary Order application to the Commission within three months.

¹ SOAH Docket No. 582-09-5727.

² SOAH Docket No. 582-11-0471.

This Supplemental PFD discusses the subsequent procedural history of these two cases, explains why, with the agreement of the parties, the Commission's three-month deadline was not met, and recommends approval of the Proposed Order ultimately agreed to by the parties.

II. PROCEDURAL HISTORY

On October 4, 2010, the ALJ issued Order No. 9, which summarized the terms of the Interim Order, began discovery, and required the parties to file pleadings on certain issues. The hearing on remand was set for November 8, 2010;³ the ALJ required the parties to address whether the hearing should proceed on that date and, if not, to propose a procedural schedule. In response to that Order, the parties agreed that the hearing should be moved to November 15-16, 2010, for two reasons. First, additional parties might appear at the November 8th preliminary hearing. Second, the parties estimated the hearing would take two days, and neither the ALJ nor some witnesses were available on the days immediately after November 8th. The parties recognized that moving the hearing would allow only 12 writing days for the PFDs during the holiday season and indicated they would also agree to an extension of the deadline set by the Commission.

The preliminary hearing was held November 8, 2011. No additional parties appeared. At that preliminary hearing, by agreement, the hearing was in fact set for November 15-16, 2010, with the deadline for PFD issuance extended to January 14, 2011.

The hearing was convened, as scheduled, on November 15, 2010. During the course of the first day of hearing, however, the Commission's Staff realized that the discharge point of the plant is at the head of a man-made canal that feeds into Lake Conroe, rather than directly into Lake Conroe, as the Staff had believed when approving the original permit and when preparing the original draft Temporary Order. That original draft Temporary Order had effluent limitations identical to those in the original permit, which the Staff had already modeled and found to be protective of the environment based on the assumption the plant emptied directly into Lake Conroe. Because of that

³ To allow adequate notice of the hearing on the Temporary Order application, that initial hearing had to be set more than 30 days after the Commission's Interim Order.

discrepancy, the Staff determined it needed to investigate further and perform new modeling to determine whether the draft Temporary Order should be changed to incorporate different, more restrictive effluent limitations. The other parties, not surprisingly, needed time to analyze that information and prepare for different issues at hearing. Therefore, after some testimony on the second day, the hearing was continued, with the parties informally exchanging information during the continuance period. The Staff determined more stringent effluent limits were necessary. The Executive Director therefore presented and advocated the approval of a revised draft Temporary Order.

The hearing was reconvened on December 10, 2010. At the hearing, Far Hills presented expert testimony that discussed the two proposed Temporary Orders as well as additional testimony from its engineer about whether the plant could meet the revised standards and whether, as an alternative, the plant's discharge point could be moved. Protestant Suzanne O'Neal also testified, as did four Staff witnesses. The hearing was concluded that evening. The parties' initial briefs were filed February 1, 2011, with replies filed February 15, 2011.

On March 25, 2011, Far Hills filed a letter stating that it and the Protestants had reached an agreement in principle to settle the case, and asking the ALJ to postpone any PFD until April 29, 2011, at the earliest, to allow Far Hills' Board to approve the agreement. On March 29, 2011, the Executive Director filed a letter stating that he and OPIC were not parties to the agreement and that contested issues remained. The ALJ ordered Far Hills to file a status report by April 18, 2011, and to continue settlement negotiations with the Executive Director and OPIC.

On April 15, 2011, the Protestants withdrew their Petition to Revoke Far Hills' permit, their protest of Far Hills' request for a Temporary Permit, and their request for party status in that proceeding. On April 18, 2011, Far Hills filed a status report requesting additional delay to accommodate ongoing settlement negotiations with the Executive Director and OPIC. The ALJ granted the requests to withdraw and for additional time.

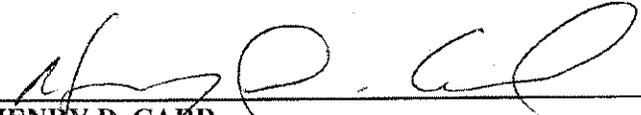
Ultimately, Far Hills, the Executive Director, and OPIC were able to resolve this matter. On June 14, 2011, Far Hills filed their Joint Motion for Remand and Proposal for Decision Recommending Adoption of Proposed Order.⁴

III. DISCUSSION

The parties' Agreed Proposed Order accomplishes several objectives. It requires Far Hills to apply for a major amendment to its permit within 30 days of the issuance of the Order. It allows Far Hills to continue providing service to customers for a two-year period, with the possibility of an extension, while that application is pending. It sets new effluent limitations for Far Hills to meet while that application is pending. The Executive Director has determined that those new effluent limitations are protective of water quality. The Order also protects Far Hills from TCEQ enforcement action during the term of the Order, provided Far Hills is in compliance with its terms. The Order provides for reimbursement of transcript costs incurred by the Executive Director during these proceedings. Finally, the Order dismisses the Petition to Revoke and Far Hills' application for a Temporary Order.

The Agreed Proposed Order is not phrased entirely as the ALJ would prefer. For example, Findings of Fact Nos. 19-25 are equivocal and refer to the ALJ rather than the Commission. Because that language is part of a settlement of a complicated and contentious matter, however, the ALJ does not recommend any changes to the parties' Agreed Proposed Order. He recommends its adoption by the Commission.

SIGNED July 21, 2011.



HENRY D. CARD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

⁴ Ordinarily, a settled case would be remanded directly to the Executive Director. Given the Commission's Interim Order and the complicated nature of these proceedings, the parties requested a PFD.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



An ORDER Regarding the Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 Issued to Far Hills Utility District (TCEQ Docket No. 2009-0290-MWD; SOAH Docket No. 582-09-5727) and regarding an Application for Temporary Order submitted by Far Hills Utility District (TCEQ Docket No. 2009-0290-MWD; SOAH Docket No. 582-11-0471)

On _____, 201__ the Texas Commission on Environmental Quality (TCEQ or Commission) considered the Proposal for Decision (PFD) on the Petition to Revoke TCEQ Water Quality Permit No. WQ0014555002 Issued to Far Hills Utility District and the Application for a Temporary Order Submitted by Far Hills Utility District, which was presented by the Honorable Henry D. Card, Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), who issued the PFD on _____.

After considering the ALJ's PFD, the Commission adopts the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

Procedural History

1. Far Hills Utility District (Far Hills), which is located in Montgomery County, Texas, filed a request for a Texas Pollutant Discharge Elimination System (TPDES) permit with the Commission on April 11, 2007.
2. Far Hills' application for a TPDES permit was uncontested and posted to the Executive Director's uncontested agenda.
3. The Executive Director granted Far Hills' application and issued TPDES Permit No. WQ0014555002 to Far Hills on November 11, 2007.
4. On March 3, 2009, Suzanne O'Neal and Judith Spencer (Petitioners) filed a Petition to Revoke TPDES Permit No. WQ0014555002.

5. The Commission considered the Petition to Revoke at its June 26, 2009, agenda, granted Petitioners' hearing requests, and referred the matter to SOAH in an Interim Order dated July 2, 2009.
6. Notice of the SOAH hearing was mailed on September 14 and September 23, 2009.
7. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
8. The SOAH preliminary hearing, at which jurisdiction was determined, party status granted, and a procedural schedule established, was held on October 29, 2009.
9. After an agreed continuance, a contested case hearing before SOAH was held on February 22, 2010. Petitioners, Far Hills, the Executive Director, and the Office of Public Interest Counsel (OPIC) participated in the hearing, which was adjourned the same day. The record closed on April 22, 2010, with the filing of the parties' replies to closing arguments.
10. The PFD on the Petition to Revoke was filed on June 22, 2010. The Commission considered the matter at its September 15, 2010 agenda, and remanded the matter to SOAH in an Interim Order dated September 22, 2010.
11. On November 2, 2009, Far Hills submitted a sworn Application for a Temporary Order to continue discharging treated wastewater in the event that TPDES Permit No. WQ0014555002 was suspended or revoked. As required by Section 5.502 of the Texas Water Code, Far Hills stated that the issuance of a temporary order was necessary to avoid serious injury, severe property damage, and severe economic loss in the event that TPDES Permit No. WQ0014555002 was suspended or revoked. Far Hills also stated other matters and information required by Section 5.502 and relating to the findings required by Section 5.509 of the Texas Water Code.
12. Far Hills' Application for a Temporary Order requested a discharge of up to 0.23 million gallons per day (MGD) of treated Municipal Wastewater to a storm sewer, thence to a man-made canal, thence directly to Lake Conroe in Segment No. 1012 of the San Jacinto River Basin.
13. The Commission considered the Application for a Temporary Order at its September 15, 2010 agenda, granted the requested hearing, and referred the matter to SOAH in an Interim Order dated September 22, 2010. The remanded issues for the Petition to Revoke were referred concurrently with the Application for Temporary Order to SOAH.
14. The SOAH preliminary hearing on the Application for a Temporary Order and the remanded Petition to Revoke, at which jurisdiction was determined, party status granted, and a procedural schedule established, was held on November 8, 2010.

15. A contested case hearing on the Application for a Temporary Order and the remanded Petition to Revoke was held on November 15-16 and December 10, 2010. Petitioners, Far Hills, the Executive Director, and OPIC participated in the hearing. The record closed on February 15, 2011 with the filing of the parties' replies to closing arguments.
16. On April 15, 2011, Petitioners filed a request to withdraw as parties to the Petition to Revoke and Application for a Temporary Order proceedings.
17. The Administrative Law Judge granted Petitioners' requested withdrawals by written order dated April 25, 2011.
18. Subsequent to Petitioners' withdrawal, Far Hills, the Executive Director, and OPIC convened to discuss all remaining case issues left unresolved by Petitioners' withdrawal. As a result, Far Hills, the Executive Director, and OPIC stipulated to the terms and conditions of this Order as an agreed resolution of all issues raised in the Petition to Revoke and Application for Temporary Order proceedings.

Notice of Permit No. WQ0014555002

19. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills did not provide proper published notice under 30 TAC § 39.405(f)(1). Far Hills generally denies this finding.
20. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills failed during the application and/or hearing process to disclose fully all relevant facts regarding its ownership and configuration of the property. Far Hills generally denies this finding
21. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills failed to fully disclose all relevant facts, misrepresented relevant facts, or made false or misleading statements with respect to mailed notice. Far Hills generally denies this finding
22. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills misrepresented relevant facts regarding the appropriate newspaper for publication of notice. Far Hills generally denies this finding
23. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills intentionally or knowingly published notice in the wrong newspaper. Far Hills generally denies this finding
24. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills' failure to disclose fully all relevant facts regarding ownership and configuration of the property was not done intentionally or knowingly.
25. In relation to Permit No. WQ0014555002, the ALJ finds that Far Hills' misrepresentations regarding ownership and configuration of the land, mailed notice, and published notice were significant. Far Hills generally denies this finding.

Water Quality for Permit No. WQ0014555002

26. In its April 11, 2007 application leading to TPDES Permit No. WQ0014555002, Far Hills applied for a discharge outfall into the main body of Lake Conroe. However, after TPDES Permit No. WQ0014555002 was issued, Far Hills constructed the discharge outfall into the landward end of an approximately 830-foot-long, man-made canal that empties into the main body of Lake Conroe.
27. The change in outfall location constitutes a major amendment since it is a “material change in the pattern or place of discharge” under 30 TAC §§ 305.62(c)(1) and (2).
28. Far Hills has not applied for a major amendment to TPDES Permit No. WQ0014555002 for the new outfall location, and thereby has not provided proper notice to nearby property owners of the change in outfall location.
29. The current effluent limitations contained on pages 2, 2a, and 2b of TPDES Permit No. WQ0014555002 are not protective of water quality under the Texas Surface Water Quality Standards given the existing outfall location.
30. The effluent limitations for a discharge into the man-made canal, contained on page 6 of this Order and recommended by the Executive Director during the contested case hearing on the Application for a Temporary Order, are protective of water quality under the Texas Surface Water Quality Standards.

Transcript Costs

31. The Executive Director of the TCEQ provided a court reporter for the preliminary and contested case hearings on the Application for Temporary Order and incurred \$3,899.92 in costs associated with the creation of the transcripts.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to its enabling statutes and 30 TEX. ADMIN. CODE (TAC) §§ 35.301, 35.303, 50.117, 305.21, 305.66 and 305.68.
2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a PFD with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Chapter 2003.
3. Adequate and timely notice of the hearings on the Petition to Revoke and the Application for a Temporary Order was provided in accordance with TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052.
4. As provided by 30 TAC § 80.25(e), the Application by Far Hills for a Temporary Order shall be dismissed without prejudice by the Commission.

5. The Petition to Revoke filed by Suzanne O'Neal and Judith Spencer shall be dismissed with prejudice by the Commission.

III. ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The Petition to Revoke filed by Suzanne O'Neal and Judith Spencer is dismissed with prejudice.
2. The Application for a Temporary Order filed by Far Hills Utility District is dismissed without prejudice.
3. During the duration of this Order, all discharges from Far Hills' wastewater treatment facility shall meet the following effluent limitations, conditions, and monitoring requirements:

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning from the date of issuance and lasting through the date of expiration, Far Hills shall discharge treated domestic wastewater subject to the following effluent limitations:¹

The daily average flow of effluent shall not exceed 0.175 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 479 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Avg mg/(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Report Daily Avg. & Max. Single Grab	Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (7.3)	10	20	30	One/week Grab
Total Suspended Solids	12 (18)	20	40	60	One/week Grab
Ammonia Nitrogen	1.5 (2.2)	5	10	15	One/week Grab
Total Phosphorus	1 (1.5)	2	4	6	One/week Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

¹ Far Hills shall have 180 days from the date of issuance of this Order under 30 TAC Chapter 217 and 30 TAC § 307.2(f) to undertake all modifications to the Far Hills facility necessary to comply with these effluent limitations and monitoring requirements, and shall comply with the above effluent limitations and monitoring requirements immediately upon expiration of this compliance period. During this compliance period, Far Hills shall comply with the effluent limitations and monitoring requirements on page 2 of TPDES Permit No. WQ0014555002, issued on November 1, 2007.

Far Hills shall comply with all the provisions in TPDES Permit No. WQ0014555002, with the exception of the effluent limitations and monitoring requirements on pages 2, 2a, and 2b, issued on November 1, 2007. Instead of the effluent limitations and monitoring requirements on pages 2, 2a, and 2b of the existing TPDES permit, the discharge shall meet the effluent limitations, conditions, and reporting requirements on page 6 of this Order.

4. During the compliance period described in Footnote 1 of page 6 of this Order, Far Hills shall comply with the effluent limitations and monitoring requirements on page 2 of TPDES Permit No. WQ0014555002, issued on November 1, 2007.
5. Prior to construction of any treatment facility necessary to comply with the effluent limitations in page 6 of this Order, Far Hills shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary submittal letter in accordance with the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, Far Hills shall submit plans, specifications and a final engineering design report that comply with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. Far Hills shall clearly show how the treatment system will meet the effluent limitations required on page 6 of this Order.
6. Prior to construction of any treatment facility necessary to comply with the effluent limitations in page 6 of this Order, Far Hills shall submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by Far Hills according to 30 TAC §309.13(e)(3). The evidence of legal restrictions shall be submitted to the Executive Director in care of the TCEQ Wastewater Permitting Section (MC 148). Far Hills shall comply with the requirements of 30 TAC §309.13(a) through (d).
7. Far Hills shall notify the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of any new treatment facility necessary to comply with the effluent limitations in page 6 of this Order on Notification of Completion Form 20007.
8. Far Hills shall submit monthly status reports to the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, summarizing the progress of the project and including any analytical sampling conducted relating to Provisions (3) and (4) of this Order. The monthly status reports shall also include the status of Far Hills' efforts to obtain a major amendment to TPDES Permit No. WQ0014555002 for a new discharge outfall location, and construction and other activities related to compliance with the effluent limitations in page 6 of this Order.
9. The term of this Order is two (2) years from the date of issuance. Far Hills shall cease discharges within two (2) years of issuance or apply to the Commission for a renewal for an additional reasonable period of time not to exceed one hundred eighty (180) days in sufficient time to evaluate the application for a major amendment to TPDES Permit No.

WQ0014555002 and set the matter on Commission agenda prior to expiration of this Order. Notwithstanding the above, this Order will expire upon the successful application and issuance by the Commission of a major amendment to TPDES Permit No. WQ0014555002.

10. Far Hills shall apply for a major amendment to TPDES Permit No. WQ0014555002 by filing a complete application with the TCEQ for the existing facility within thirty (30) days from the date of issuance of this Order. In connection with the major amendment application, Far Hills shall comply with all applicable application and notice requirements under the Texas Water Code and the TCEQ rules. Additionally, Far Hills shall give "mailed" notice of filing of the major amendment application to Petitioners Suzanne O'Neal and Judith Spencer, as well as all landowners who were entitled to receive mailed notice in connection with Far Hills April 11, 2007 TPDES permit application.
11. The Executive Director will withhold any enforcement action for discharges occurring at the Far Hills' wastewater treatment facility that are compliant with the terms and conditions of this Order.
12. Far Hills shall reimburse the Executive Director, Office of Legal Services, for all transcription costs associated with the hearing for the Temporary Order Application. Within thirty (30) days of the effective date of this Order, Far Hills shall tender payment in the amount of three thousand eight hundred ninety-nine dollars and ninety-two cents (\$3,899.92). Far Hills shall submit a check made payable to "TCEQ" with the language "Office of Legal Services re: Far Hills" in the description line. Far Hills shall make timely payment by either: 1) personal delivery on or before the payment date to the TCEQ Cashier's Office, 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753; or 2) deposit of a check in the United States Mail, proper postage prepaid, and post-marked on or before the payment due date. Any mailed check shall be sent to TCEQ, P.O. Box 13087, Austin, Texas 78711-3087, MC-214, Attention: Cashier's Office.
13. The issuance of this Order does not convey any property rights in either real or personal property, or any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations; nor does it obviate the necessity of obtaining any federal or local assent that may be required by law for the discharge.
14. The issuance of this Order shall not be considered a component of compliance history under Texas Water Code Section 5.753 and 30 TAC Section 60.1.
15. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

16. The effective date of this Order is the date the Order is final, as provided by 30 TAC § 80.273 and Texas Government Code § 2001.144.
17. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.
18. The Office of the Chief Clerk is directed to forward a copy of this Order to Far Hills and all other parties and to issue said Order and cause the same to be recorded in the files of the Commission.

ISSUE DATE:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., Chairman
For the Commission