

TPDES PERMIT NO. WQ0015722001

PETITION BY 1817 LACEY, LTD. TO REVOKE TEXAS POLLUTION DISCHARGE ELIMINATION SYSTEM ("TPDES") PERMIT NO. WQ0015722001	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
----------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------	-------------------------------------------------------------------------------

**PERMITTEE SIGMA PRO PROPERTIES, LTD.'S RESPONSE
TO 1817 LACEY, LTD.'S PETITION TO REVOKE/SUSPEND
TPDES PERMIT NO. WQ0015722001**

TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW, SigmaPro Properties, LLC ("SigmaPro" or "Permittee"), holder of TPDES Permit No. WQ0015722001 (the "Permit") and files this response to the Petition of 1817 Lacey Ltd. to Revoke or Suspend TPDES Permit No. WQ0015722001 (the "Petition"), and would show the Commission as follows:

**I.
INTRODUCTION**

A. "Off With Their Head".

On April 21, 2022, 1817 Lacey Ltd. ("Lacey" or "Petitioner") filed a collateral attack on SigmaPro's Permit by its Petition seeking the revocation or suspension of SigmaPro's TPDES Permit No. WQ0015722001 (the "Permit") pursuant to the Commission's Rule 305.66 (30 TAC), subsections (a)(4), (a)(10 and (f)(3). In order to secure the imposition of the Draconian "death penalty" on SigmaPro, *i.e.*, revocation of its 3-year old Permit, Lacey grounds its complaint in the form of allegations that characterize SigmaPro as having acted with malice aforethought, and the specific intent (i) to deceive the Commission and (ii) "hide" its Application from Petitioner.

1. Petitioner’s Unsupported Allegations of Malfeasance.

Lacey’s Petition contains the following *unsupported* allegations:

- (i) SigmaPro “*falsely identified* a different entity as owning 1817 Lacey Drive [Fort Worth, Tarrant County, Texas]. (Lacey Pet. at 1-2) (emphasis added);
- (ii) SigmaPro “*misrepresented*” the owner of the property Lacey claims to own as being “Closner Equipment Co., Inc. (Lacey Pet. at 1) (emphasis added);
- (iii) “SigmaPro provided the TCEQ with *false information* on the landowner map and the sheet attached to the landowner map,...” (Lacey Pet. at 1) (emphasis added);
- (iv) “SigmaPro made a *material misrepresentation* in Attachment C to the Permit Application because Lacey, not Closner Equipment Co., Inc., was the owner of property “4”...” (Lacey Pet. at 3) (emphasis added);
- (v) “The mailing labels included by SigmaPro...*falsely list* Closner Equipment as an affected landowner...” (Lacey Pet. at 3) (emphasis added); and
- (vi) “SigmaPro *gave the Chief Clerk false and misleading information* regarding the owners of property adjacent to the site of the proposed wastewater discharge point.” (Lacey Pet. at 4) (emphasis added).

2. Petitioner’s Unsupported Characterization of Impacts of its Unsupported Allegations.

To enhance its hyperbolic allegations of SigmaPro’s “malfeasance,” Petitioner inflates the effect of not receiving mailed notice addressed to 1817 Lacey Ltd., with the following claims that are facially inaccurate, as a matter of law:

- (i) “Petitioner never received *any notice* of the NORI or the NAPD” (Lacey’s Pet. at 2) (emphasis added);
- (ii) “SigmaPro’s *misrepresentation* resulted in *a lack of notice to Petitioner* of the NORI or the NAPD” (Lacey’s Pet. at 3) (emphasis added); and
- (iii) “SigmaPro’s failure to provide the correct landowner information in the Permit Application *deprived Petitioner of any opportunity to contest the Permit Application*” (Lacey Pet. at 3-4) (emphasis added).

II.

BACKGROUND FACTS

A. Introduction.

In 2018, SigmaPro developed an application for its TPDES Permit to treat and directly discharge domestic wastewater into a watercourse at a point on SigmaPro’s property that is an unnamed tributary of the Trinity River in the Trinity River Basin up to 9,500 gallons of domestic wastewater effluent. As part of that process, SigmaPro engaged qualified consultants experienced in the preparation and filing of TPDES Permits, as well as the design, construction and operation of the permitted wastewater treatment facilities. Among these consultants was Perkins Engineering Consultants, Inc. (“Perkins”). *See* Exhibit “A” (Affidavit of Janet Sims). Ms. Janet Sims, with three decades of experience working on wastewater permitting applications, was the Project Manager on the Perkins Team for the SigmaPro Application. *Id.*

The Perkins Team coordinated her efforts to develop the Permit Application, sending information related to the Application and Application drafts to SigmaPro through its in-house Project Manager, Mr. Robert Berman for review, signature and other action. *See* Exhibit “B” (Affidavit of Robert Berman); *see also* Exhibit “A” (Sims Affidavit). Acting in good faith in the

Application process, Ms. Sims and Mr. Berman identified the persons or entities, and their mailing addresses related to neighboring properties believed to be neighboring landowners entitled to receive mailed notice. *See* Exhibit “A” (Sims’ Affidavit, including Exhibit Nos. 1 and 2, thereto); Exhibit “B” (Berman Affidavit, including Exhibit A thereto). Petitioner has presented no evidence that supports a conclusion to the contrary, *i.e.*, a conclusion that there was bad faith, deceitful intent or similar motivation on the part of SigmaPro as the Applicant to hide the Application from Petitioner or otherwise exclude Petitioner from the TCEQ’s Permitting Process.

B. SigmaPro’s “Notice” Efforts.

The evidence of record and documented in this Response reflects a yeoman’s effort to disseminate information about its Application and facilitate participation. In an effort to convey information about the SigmaPro Application to neighboring property owners, SigmaPro researched the Tarrant County Appraisal District’s online records, and undertook personal outreach efforts to contact landowners and give them notice of the Application, including the Commissioner’s Permitting Process that would result in them receiving mailed notice of the NORI (Notice of Receipt of Application and Intent to Obtain Permit) and NAPD (Notice of Application and Preliminary Decision) going forward. *See* Exhibit “B” (Berman Affidavit). While not a perfect resource, use of Central Appraisal Records is an accepted methodology for identifying owners of property.

With respect to SigmaPro’s efforts to communicate information about the SigmaPro Application to neighboring landowners, SigmaPro went further. Specifically, Mr. David Underwood, P.E., owner of SigmaPro had tasked the SigmaPro Project Manager, Mr. Robert Berman, to visit personally each of the neighboring properties evidenced on the Landowner Map included as Exhibit A to his Affidavit (*see* Exhibit “B” hereto, Berman Affidavit), and explain to them that SigmaPro had filed its Application for the Permit, the purpose of the Permit Application

and the TCEQ Permitting Process, and that they would be receiving mailed notice from the Commission. *See* Exhibit “B” (Berman Affidavit). Mr. Underwood did not want his neighbors to learn about the SigmaPro Application for the first time upon receipt of mailed notice from TCEQ. *Id.*, Exhibit “B” (Berman Affidavit).

Pursuant to Mr. Underwood’s directive, Mr. Berman “made the rounds” to each of the Properties identified on the Landowner Map (*see* Exhibits Nos. 1 and 2 to the Sims Affidavit (Exhibit “A” hereto) and Exhibit A to the Berman Affidavit (Exhibit “B” hereto) to brief the occupants of each tract on the Landowner Map about the SigmaPro Application and the TCEQ Permitting Process. *See* Exhibit “B” (Berman Affidavit). If the occupant of an identified property on the Landowner Map was not on the premises when he visited, Mr. Berman would leave a note with his contact information in the mailbox for them to contact him upon their return.

Further, following receipt of both the determination of administrative completeness of the Notice of Receipt of Application and Intent to Obtain Permit (“NORI”), and the separate Executive Director’s Notice of Application and Preliminary Decision (the “NAPD”), SigmaPro published notice in both English and Spanish in two newspapers of general circulation within Tarrant County. Attached to Janet Sims’ Affidavit (Exhibit “A” hereto) are Publisher’s Affidavits identified as Exhibit Nos. 3, 4, 5 and 6.

Exhibit No. 3 is the October 20, 2018 Publisher’s Affidavit from the *Star Telegram* newspaper in Fort Worth, Tarrant County, of the Notice of the NORI. Exhibit No. 4 is the January 26, 2020 Publisher’s Affidavit from the *Star Telegram* newspaper, Fort Worth, Tarrant County, of the Executive Director’s NAPD. Exhibit No. 5 is the October 20, 2018 Publisher’s Affidavit from *La Estrella* newspaper in Fort Worth, Tarrant County, providing the Spanish version of the Notice of the NORI. Exhibit No. 6 is the February 9, 2019 Publisher’s Affidavit from *La Estrella*

newspaper in Fort Worth, Tarrant County, providing the Spanish version of the Notice of the NAPD.

Constructive notice is authorized by law and creates the presumption that once given, all members of the public within the area of the general circulation is on notice of the application, including 1817 Lacey Ltd.

C. Mr. Berman's Extraordinary Personal Contacts with Occupants of Tract No. 4.

With respect to Tract No. 4 on the Landowner Map, the property identified in the Petition and which SigmaPro had identified as being owned by Closner Equipment Company, Inc. ("Closner"), Mr. Berman successfully met with the Closner onsite manager. *See* Exhibit "B" (Berman Affidavit). Neither Ms. Sims nor Mr. Berman had seen any evidence of 1817 Lacey Ltd. as the owner of Tract No. 4 in 2018. *See* Exhibit "A" (Sims Affidavit) and Exhibit "B" (Berman Affidavit).

Attached to Mr. Berman's Affidavit (Exhibit "B") are true and correct copies of photographs he took from the SigmaPro Property looking to the north which included in the background Tract No. 4 (*see* Exhibits B and C to Exhibit "B" (Berman Affidavit)). The two photographs reflect the existence of buildings on the Tract No. 4 property. *See id.* One of those buildings has signage that reads "Closner Equipment." *See* Exhibit C to Exhibit "B" (Berman Affidavit).

When Mr. Berman made his visit to the Closner Offices on Tract No. 4 in 2018, he asked, as he did at all of the properties he visited, to speak to the "owner." When he was told that the owner was "out of town," Mr. Berman asked to speak to the Closner onsite manager. *See* Exhibit "B" (Berman Affidavit). Mr. Berman met with the Closner onsite manager on Tract 4 and told him SigmaPro's story about the Permit Application and the TCEQ's permitting process including

the mailed notice. *Id.* According to Mr. Berman, nothing was disclosed to him during the visit that 1817 Lacey Ltd. was actually the owner of the property.

After finishing his visit with the Closner onsite manager, Mr. Berman noticed as he was leaving Tract No. 4, signage on another building located on Tract No. 4 with signage for “Premier Paving Ltd.” *See* Exhibit “B” (Berman Affidavit). Mr. Berman went into the office at the Premier Paving Ltd. Office, introduced himself and asked to speak to the owner or onsite manager. *Id.*

Mr. Berman met with Premier Paving’s onsite manager and, as he had done at the Closner building on Tract No. 4 and other identified properties on the Landowner Map he visited in 2018, explained the SigmaPro Permit Application story to the manager. Again, no mention was made of 1817 Lacey Ltd., or that 1817 Lacey Ltd. was the owner of Tract No. 4. *See* Exhibit “B” (Berman Affidavit).

The occupants of Tract No. 4 both received detailed personal notice of SigmaPro’s Application and the TCEQ Permitting Process. *See* Exhibit “B” (Berman Affidavit). Closner which was identified on the SigmaPro Landowner Map as the owner of Tract No. 4 subsequently received mailed notice of the SigmaPro Application from the TCEQ Chief Clerk when the Clerk mailed Closner the NORI and NAPD. Petitioner does not dispute this fact.

Assuming neither Closner nor Premier was the owner of Tract No. 4, the fact is that they were occupying Tract No. 4, did receive notice, and according to Mr. Berman did not tell him 1817 Lacey Ltd. was the owner of Tract No. 4. Assuming they were “tenants” of 1817 Lacey Ltd., a fact Petitioner does not share with the Commission in the Petition, they were at a minimum *de facto* representatives of 1817 Lacey Ltd. They were capable of transmitting the notice and information they received from SigmaPro, both during Mr. Berman’s visit, and in the case of Closner, upon receipt of the TCEQ Clerk’s mailed notice of the NORI and NAPD to Petitioner.

Assuming the validity of the claim of 1817 Lacey Ltd. that it acquired the property identified as Tract No. 4 on the Landowner Map, there was no evidence to that effect on the ground at Tract No. 4.¹ To the contrary, in 2018 Tract No. 4, which takes up two street addresses, *i.e.*, 1817 Lacy Drive and 1819 Lacy Drive (*see* Exhibit “B” (Berman Affidavit)), was occupied by Closner Equipment Company, Inc. (“Closner”) and a second entity named Premier Paving Ltd. (“Premier Paving”). There was no evidence observed by Mr. Berman on the ground that the owner of Tract No. 4 was 1817 Lacey Ltd. *See* Exhibit “B” (Berman Affidavit).

D. Petitioner’s Unclean Hands.

Petitioner filed its Petition with “unclean hands.” The facts that support this conclusion include the following:

1. Petitioner admits that it has known about SigmaPro’s wastewater permit application and its Permit since the summer of 2020, albeit in a veiled statement by Petitioner in the Petition. *See* Lacey Pet. at 6 (“SigmaPro has not made any attempt to correct the violation, which was brought to its attention by letter sent in *August 2020*.”). (emphasis added)

2. Petitioner’s statement, quoted in subparagraph 1. above, is false. SigmaPro did respond to the letter and other communications from Petitioner, and Petitioner’s tenant in August 2020, Premier Paving, Ltd. In fact, as demonstrated by e-mail exchanges attached hereto as Exhibit “C,” Petitioner and SigmaPro representatives were communicating about the Permit and SigmaPro’s discharges at least as early as July 2020. *Id.*

3. Petitioner failed to disclose in its Petition that communications between Petitioner and SigmaPro had commenced two months earlier in July. *See* Exhibit “C.” Petitioner had contacted SigmaPro and SigmaPro representatives had provided information to and met with

¹ Aside from its assertion of ownership, Petitioner has not presented a deed establishing its title to Tract No. 4.

Petitioner, including providing copies of the Permit. Petitioner was dissatisfied with the outcome of those meetings. *Id.*

4. Petitioner escalated its attack on SigmaPro by contacting representatives of Tarrant County and the City of Fort Worth to seek their intervention in shutting down SigmaPro's lawful treatment and discharge of wastewater pursuant to its Permit. *See* Exhibits "D," "E" and "F."

5. Petitioner then resorted to "self-help" in violation of Section 11.086, Texas Water Code and provisions of Section 404 of the Federal Clean Water Act by dumping dirt and fill material into the creek on its property for the purpose of causing drainage in the creek, including the treated effluent stream discharge pursuant to the SigmaPro Permit, to back-up and flood the SigmaPro Property. *See* Exhibits "D" and "G" (e-mails from Petitioner and Petitioner Tenant, Premier Paving Ltd., representatives); *cf.*, Exhibit "A" (Correspondence from USACE regarding Section 404 violations).

6. Petitioner waited (i) almost two years from the documented date of Petitioner's actual knowledge of the Permit, and SigmaPro's treatment and discharge of wastewater effluent pursuant to the Permit, to file its Petition, and (ii) more than three years from the date the Permit was issued.

7. As noted above, Petitioner's hyperbolic description of SigmaPro's intent and activities in preparing and filing its Application for the Permit, without any supporting documentation of actual malevolent intent, deceit or fraud on the part of SigmaPro, further support the conclusion that Petitioner's collateral attack on the Permit is unsupported by any showing of "good cause" that would support the revocation or suspension of the Permit pursuant to 30 TAC § 305.66.

See Response to Petition, *supra*, at pages 1-3.

E. Petitioner’s Unlawful “Self-Help” Activities.

As noted above, Petitioner resorted to “self-help” remedies in violation of both State and Federal law, *i.e.*, Section 11.086, Texas Water Code, and Sections 301 and 404, United States Clean Water Act. Petitioner’s unlawful self-help activities forced SigmaPro to file suit in State District Court, and obtain a Temporary Restraining Order and, thereafter, a Temporary Injunction against Petitioner in Cause No. 352-326387-21, *SigmaPro Properties Ltd. v. 1817 Lacey Ltd.*, in the 352nd District Court of Tarrant County. Exhibit “I” is a true and correct copy of SigmaPro’s verified Motion to Show Cause and for Contempt by Petitioner, Exhibit “J” is a true and correct copy of the Order granting Temporary Injunction against Petitioner dated 3/21/22, and Exhibit “K” is a true and correct copy of the Order granting Temporary Restraining Order issued 7/21/21 against Petitioner.

As evidenced by the letter dated January 18, 2022 from the Department of the Army, United States Army Corps of Engineer, Fort Worth District, addressed to 1817 Lacey, Ltd. c/o Mabel Simpson, advising Petitioner of the USACE’s investigation into the discharge of fill materials into the waters of the United States, including wetlands, in violation of Section 301(a) absent a permit issued under Section 404 of the Clean Water Act by Petitioner at 1817 Lacy Drive. *See* Exhibit “H.” That investigation by the Corps of Engineers is ongoing.

**III.
TCEQ’s RULE 305.66**

Technically, the Petition should be denied outright because Petitioner failed to exhaust its administrative remedies in a timely fashion. Specifically, the controlling vehicle to challenge an action by TCEQ on an application for a Permit is 30 TAC § 50.139. Section 50.139 prescribes the filing of a motion to overturn the challenged action, which motion is to be filed by an express deadline:

The applicant, public interest counsel or other person may file with the chief clerk a motion to overturn the executive director's action on an application. A motion to overturn must be filed no later than 23 days after the date the agency mails notice of the signed permit.

See 30 TAC § 50.139 (a)-(b) (emphasis added). The Petitioner failed to meet such TCEQ requirements, and its Petition should be denied as a result. *Id.*

Additionally, Petitioner failed to exercise the remedy provided for in Texas Water Code Section 5.351. Section 5.351 authorized a person aggrieved by an order or action of the Commission (or the Executive Director when authorized to act) to file a petition in the District Court in Travis County to overturn the action. That petition must be filed within 30 days of issuance. *See* Texas Water Code § 5.351. *See, e.g., Van Indep. Sch. Dist. v. McCarty*, 165 S.W.3d 351, 354 (Tex. 2005) (holding that the exhaustion of administrative remedies requires procedural compliance and rejecting the argument that “administrative procedures can be ignored if a creative applicant convinces a court that some other procedure was just as good”); *Texas Water Comm’n v. Dellana*, 849 S.W.2d 808, 809–10 (Tex. 1993) (holding that “only a party that has exhausted all available administrative remedies may seek judicial review” of TCEQ decisions under Texas Water Code Section 5.351).

Under the TCEQ’s Rule 305.66 authorizing the extraordinary remedy of filing a petition to revoke or suspend a permit, the Commission may revoke a permit *if* it finds after notice and hearing that the permittee:

“made a false or misleading statement in connection with an original or renewal application either in the formal application or in any other written instrument relating to the application submitted to the commission, its officers, or its employees.”

See 30 TAC §305.66(f)(3); *cf., Id.* §305.66 (a)(4), (a)(10)(providing examples of circumstances that might support a finding of “cause”) . Before exercising such a Draconian “death penalty” sanction, the Commission must find (i) that the violation is significant and (ii) that the permittee

“has not made a substantial attempt to correct” the violation once it was brought to their attention. *See* 30 TAC §305.66(g)(1).

As the “moving party,” the burden of proof in this case is on the Petitioner to show sufficient probably that the Permittee, SigmaPro, is guilty of such misfeasance as contemplated by Subsections (a)(4) and (a)(10) of Section 305.66 as Petitioner alleges. That burden of proof is more than the use of hyperbolic adjectives in its claims. *See* 30 TAC § 80.17(a); *see generally* 30 TAC §305.66.

Other than the claim that it did not receive mailed notice of the NORI or NAPD because it was not identified on the Landowner Map and accompanying set of addresses, Petitioner has not provide any credible evidence that such failure to be included on the Landowner Map and accompanying set of addresses was the result of any intent, or knowing effort of SigmaPro to deceive the Commission, including its employees, or to hide its Application from the Petitioner to prevent the Petitioner from having any notice or opportunity to participate in the Permitting Process. The evidence presented by SigmaPro as the Permittee demonstrates the exact opposite. SigmaPro was proactive to identify and communicate with the persons or entities associated with each of the Tracts identified on the Landowner Map, to include Petitioner’s Tract No. 4, that it had filed an Application for a TPDES Permit, its intent in doing so, and information of what they could expect during the TCEQ Permit process. Rule 305.66 does not require the Commission to hold a hearing to deny a Petition on the basis that the Petitioner has failed to carry its threshold burden to warrant to the Commission to order a hearing. The Commission can make that determination to deny the Petition based upon the Pleadings presented to it for consideration at it Agenda Conference where the Petition is considered.

Based upon the Facts presented, *supra*, and the Arguments below, the Commission can find that Petitioner has failed to carry its burden of proof and dismiss the Petition. Moreover, the

facts presented *supra*, also support the conclusion that Petitioner's claims are not brought on their merit, but brought with "unclean hands" and in frustration to Petitioner's inability to find another avenue to terminate SigmaPro's lawful operations pursuant to its Permit. Equity further supports the conclusion that Rule 305.66, and its Draconian "death penalty" sanction should not be considered, but rather that the Petition should be dismissed.

IV. ARGUMENT

A. Mailed Notice.

The record is clear that SigmaPro identified neighboring properties, including downstream properties that could be potentially affected by the SigmaPro Permit if its Application were granted, on its Landowner Map. Included in those properties was the property identified as "Tract No. 4." Tract No. 4 is the property that Petitioner claims to be the owner of, and was the tract that in 2018 was occupied by two entities, Closner Equipment Company, Inc. and Premier Paving Ltd., *not* 1817 Lacey Ltd. or any entity identified as 1817 Lacey Ltd.

Among the entities identified in SigmaPro's Application was Closner Equipment Company, Inc. based upon its occupancy and presence on Tract 4. Mailed notice was sent to all of the tracts identified in the Application on the Landowner Map, copies of which are included in both the Affidavits of Janet Sims and Robert Berman. Unfortunately, 1817 Lacey Ltd. was not identified by SigmaPro in its review of the Tarrant County Appraisal District records or its investigations on the ground and, therefore, was not included on the Landowner Map.

Notice, however, was provided to the occupant of Tract No. 4 and Petitioner's tenant in 2018, Closner Equipment Company, located on Tract 4. Accordingly, SigmaPro did provide mailed notice to the affected tracts. There is no evidence that SigmaPro tried to hide its Application from any of the properties shown on the Map and in fact, the record is to the contrary.

The mailed notice includes the occupant of Tract 4 in 2018 as well as the extraordinary effort of SigmaPro, through the personal visits by its in-house Project Manager, Mr. Robert Berman, to the properties, including both Closner and Premier Paving on Tract 4. Accordingly, there is no evidence or basis to support any of Petitioner's claims that SigmaPro misrepresented, falsified or tried to mislead or deceive the Commission or avoid giving notice of the Application to persons or entities related to Tract 4 so that they would have the opportunity to fully review SigmaPro's Permit Application and take whatever steps or actions in response thereto they deemed appropriate in 2018.

There is no evidence in the record, and in fact the evidence of record and the documentation provided by the Petitioner and herein supports the conclusion to the contrary, that would support the Commission's authority to exercise the Draconian "death penalty" remedy of revocation of SigmaPro's Permit sought by Petitioner. There is no evidence of cause supported by bad faith, malfeasance, fraud or deceit as alleged by Petitioner related to the error in not mailing the notice to the entity identified as 1817 Lacey, Ltd.

B. Constructive Notice.

In addition to the mailed notice undisputedly sent to Petitioner's tenant Closner, and personal notice to the occupants of Tract No. 4, *i.e.*, Closner and Premier Paving, 1817 Lacey Ltd. also had *constructive notice* of the SigmaPro Permit Application. Following receipt of both the determination of administrative completeness of the Notice of Receipt of Application and Intent to Obtain Permit ("NORI"), and the separate Executive Director's Notice of Application and Preliminary Decision (the "NAPD"), SigmaPro published notice in both English and Spanish in two newspapers of general circulation within Tarrant County. Attached to Janet Sims' Affidavit (Exhibit "A" hereto) are Publisher's Affidavits identified as Exhibit Nos. 3, 4, 5 and 6.

Exhibit No. 3 is the October 20, 2018 Publisher's Affidavit from the *Star Telegram* newspaper in Fort Worth, Tarrant County, of the Notice of the NORI. Exhibit No. 4 is the January 26, 2020 Publisher's Affidavit from the *Star Telegram* newspaper, Fort Worth, Tarrant County, of the Executive Director's NAPD. Exhibit No. 5 is the October 20, 2018 Publisher's Affidavit from *La Estrella* newspaper in Fort Worth, Tarrant County, providing the Spanish version of the Notice of the NORI. Exhibit No. 6 is the February 9, 2019 Publisher's Affidavit from *La Estrella* newspaper in Fort Worth, Tarrant County, providing the Spanish version of the Notice of the NAPD.

Constructive notice is authorized by law and creates the presumption that once given, all members of the public within the area of the general circulation is on notice of the application. Accordingly, 1817 Lacey Ltd. should be deemed to have received notice of the Application.

Moreover, while 1817 Lacey Ltd. failed to disclose in its Petition that both Closner and Premier Paving were its tenants on Tract No. 4, and the occupants of 1817 Lacy Drive in 2018, presumably, those tenant occupants of Tract No. 4, both of whom were visited by Mr. Robert Berman as the representative of SigmaPro, and Closner which received mailed notice as evidenced by the Application and documents of record, received personal and direct notice of the SigmaPro Application. That information should have been communicated to their respective landlord/lessor, 1817 Lacey Ltd. These facts further support the conclusion that 1817 Lacey Ltd. had at a minimum constructive notice, and probably actual notice of the Application, as a result of the notice to its tenants on Tract No. 4.

C. Petitioner's Behavior.

On March 21, 2019, after a rigorous application process which included notifying all affected landowners, SigmaPro received TPDES Permit No. WQ0015722001 (the "Permit") from the TCEQ authorizing the treatment and discharge of wastes from SigmaPro Wastewater

Treatment Facility into a specified discharge route. The Permit specified limitations, monitoring requirements, and other conditions to ensure the safe discharge of effluent.

Around June 2020, Hugh Simpson, property manager for 1817 Lacey Ltd., claims to have first learned of the Permit which he mistakenly believes allows SigmaPro to dump its “poo water” onto 1817 Lacey Ltd.’s property. *See* Exhibit “L” (E-mail dated June 18, 2020, from Mr. Simpson). From that point until today, 1817 Lacey Ltd. has engaged in an aggressive course of harassing behavior, apparently on a mission to have the Permit revoked, or to prevent the authorized activities allowed by the Permit. The Petition is the latest attempt.

Unsurprisingly, Mr. Simpson’s initial contact with SigmaPro about the Permit in June 2020 contained thinly-veiled threats of “escalating” his complaints if SigmaPro did not stop discharging entirely. *See* Exhibit “M” (voicemail from Mr. Simpson to Mr. Berman). Despite the tone of Mr. Simpson’s communications, SigmaPro reached out to Mr. Simpson and explained that the Permit allowed for discharge along the specified discharge route, which includes the unnamed tributary that runs through the 1817 Lacey Ltd. property. SigmaPro’s refusal to capitulate to Mr. Simpson’s unreasonable demands appears to have driven Mr. Simpson into a fervor. Mr. Simpson hired engineering consultants and water-quality testers in an attempt to determine if any violations of the permit had been made by SigmaPro. *See* Exhibit “N.” Notably, the results of all water-quality and soil tests came back negative for any pollutants or contamination on Tract No. 4 caused by SigmaPro’s lawful operations pursuant to the Permit. *Id.*

At the advice of his consultants, Mr. Simpson reached out to the City of Fort Worth and Tarrant County complaining about SigmaPro’s permitted discharge—all to no avail. *See* Exhibits “D,” “E” and “F.” When that effort did not produce the desired result, Mr. Simpson next filed a complaint to the TCEQ who sent an investigator to SigmaPro’s property. The investigator’s report, dated September 15, 2020, identified a few unrelated technical issues which were quickly

resolved, but ultimately found that 1817 Lacey Ltd.'s complaints "were not substantiated" and SigmaPro was discharging along the discharge route. *See* Exhibit "O." The 2020 TCEQ report went on to say that 1817 Lacey Ltd. should file a petition to investigate all other complaints.

1817 Lacey Ltd., through its Property Manager, Mr. Simpson did not follow the TCEQ investigator's advice in 2020. Instead, in April 2021, Mr. Simpson took matters into his own hands and ordered multiple large loads of fill dirt be dumped on the 1717 Lacey Ltd. property in the discharge route across the street from SigmaPro's discharge point. Initially, this presented no issue due to the relatively small amount of discharge allowed by the Permit. However, by July 2021, there was enough rainfall in the area which coupled with the discharge caused water to back-up behind Petitioner's unpermitted and unauthorized "dam" over the county road separating 1817 Lacey Ltd.'s Tract No. 4 and SigmaPro to cause flooding on SigmaPro's property. Mr. Simpson and his engineering consultant jokingly e-mailed each other about causing SigmaPro injury:

From: Carnes, Kris
Sent: Friday, July 2, 2021 11:56 PM
To: Hugh Simpson; Mabel Simpson
Subject: Re: Lake Sigma Pro...now he can eat the mosquitoes as he waves his TCEQ permit over his head.

That's great. Let me know if he needs an engineer to help him out with his drainage. Lol

Get [Outlook for iOS](#)

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Friday, July 2, 2021 2:38:57 PM
To: Mabel Simpson <msimpson@munckwilson.com>; Brad Greer (brad@bgaainc.com) <brad@bgaainc.com>
Cc: Carnes, Kris <kris.carnes@elitepipincivil.com>
Subject: Lake Sigma Pro...now he can eat the mosquitoes as he waves his TCEQ permit over his head.

See Exhibit "G."

SigmaPro had no choice but to file a petition in the Tarrant County District Court for a Temporary Restraining Order ("TRO") against 1817 Lacey Ltd. On July 7, 2021, SigmaPro filed

Sigma Pro Properties, LLC v. 1817 Lacey Ltd.; Cause No. 352-326387-21 in the 352nd District Court. *See* Exhibits “I,” “J” and “K.” The District Court issued a TRO that same day.

Thereafter, a full-day hearing was held on July 26, 2021 in which multiple witnesses testified, including a Tarrant County engineer. At the conclusion of the hearing, the District Court entered a Temporary Injunction requiring 1817 Lacey Ltd. to “remove the dirt and fill [1817 Lacey Ltd.] placed that is blocking the flow of water going north.” *See* Exhibit “J.” Even with the plain language of the injunction, SigmaPro had to file a Motion for Contempt before 1817 Lacey Ltd. complied and removed the fill dirt. *See* Exhibit “I.”

By the Petition, it appears that 1817 Lacey Ltd. has filed a complaint collaterally attacking the Permit, as well as the rulings by the State District Court. 1817 Lacey Ltd.’s motives are clear.

What is not clear is why they waited almost two years from the time Petitioner admits to having actual knowledge of the Permit to challenge a Permit Petitioner now claims is an “immediate threat”? *See* Lacey Pet. at 7.

One explanation that is in keeping with 1817 Lacey Ltd.’s vindictive behavior may be the fact that 1817 Lacey Ltd. has recently come under investigation by the United States Army Corps of Engineers for unauthorized discharge of fill material. *See* Exhibit “H.”

E. SigmaPro Had “No Opportunity To Cure.”

Section 305.66 (g)(1) provides that as a prerequisite to the revocation or suspension of a permit pursuant to Section 305.66, the Commission must find that the permit holder “has *not* made a substantial attempt to correct the violations.” *See* 30 TAC § 305.66 (g)(1) (emphasis added). The facts in this case, as presented in the Petition, demonstrate that the permit holder, SigmaPro, had no opportunity to make a substantial attempt to correct any violation. First, there is no evidence presented that supports the conclusion that SigmaPro committed a violation of either subsection (a)(4) or (a)(10) as required by subsection (f)(3). Even assuming that there had

been some demonstration that SigmaPro was guilty of the malevolent, deceitful, fraudulent acts alleged by Petitioner, due to the timing of Petitioner's bringing these facts to the attention of both the Commission and the Permittee, there is no ability to correct the violation had it occurred. The notices having been issued, the permit having been granted, and becoming final pursuant to 30 TAC § 50.139, and Texas Water Code § 5.351, it is possible for SigmaPro to retroactively address the alleged violation.

What the facts presented herein do demonstrate, however, is that SigmaPro was proactive in its efforts to disseminate the information and ensure that proper notices were made to the best of its ability. The discussion herein, supported by the Affidavit of Robert Berman, Project Manager for SigmaPro, demonstrate that through his personal visits to each of the tracts to discuss with the landowner and/or its management the SigmaPro Application, its proposed Permit and the Permitting Process were an effort to prophylactically avoid any form of violation, or failure to provide notice to potentially affected parties. These are facts the Commission should consider, which support the conclusion that the Petition should be denied. *See* Exhibit "B" (Berman Affidavit).

IV. CONCLUSION & PRAYER

Petitioner, 1817 Lacey, Ltd., has failed to carry its burden to establish that pursuant to Section 305.66(a)(4), (a)(10) and (f)(3), 30 TAC, SigmaPro's Permit should be revoked, or suspended. While the record reflects, and SigmaPro does not challenge the fact that "mailed notice" was not sent addressed to an entity named "1817 Lacey Ltd.," the record does *not* support the conclusion that SigmaPro intentionally made a significant misrepresentation or knowingly made any false representation(s) in its Application or, as Petitioner alleges, SigmaPro with malice aforethought, knowingly and/or intentionally filed false information with the TCEQ's Chief Clerk, or the Executive Director or his water quality staff. Nor has Petitioner shown by any

credible evidence that SigmaPro knowingly or intentionally sought to mislead TCEQ, or to knowingly and intentionally hide notice of its Application from Petitioner, 1817 Lacey Ltd.

To the contrary, SigmaPro's efforts to disclose and disseminate information about the filing of its Application and the TCEQ Permitting Process are well documented. Under the facts and circumstances presented by the Parties, the Commission could in its discretion find on the Pleadings filed that there is not good cause to revoke or suspend SigmaPro's Permit pursuant to 30 TAC §305.66 and, specifically, subsections (a)(4) and (a)(10) relied upon by Petitioner. Alternatively, if the Commission elects to refer the matter to SOAH to develop the record on the absence of good cause, SigmaPro will be prepared to participate and, thereafter, come back to the Commission for a final determination that the Petitioner should be denied.

WHEREFORE, PREMISES CONSIDERED, SigmaPro Properties LLC, Permittee, prays the Commission deny the Petition of 1817 Lacey, Ltd.

Respectfully Submitted,

MCCARTHY & MCCARTHY, L.L.P.

1122 Colorado St., Suite 2399

Austin, Texas 78701

Telephone: (512) 904-2313

Facsimile: (512) 692-2826

/s/ Edmond R. McCarthy, Jr.

Edmond R. McCarthy, Jr.

State Bar No. 13367200

ed@ermlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2022, the foregoing Response of Permittee SigmaPro to 1817 Lacey Ltd.'s Petition to Revoke/Suspend TPDES Permit No. WQ0015722001 was filed with the TCEQ's Office of the Chief Clerk via e-filing and facsimile, and on the Parties to this Docket through their respective Counsel of Record as shown on the Service List attached hereto by electronic mail, facsimile transmission or deposit in the U.S. Mail, postage prepaid.

/s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.

Mailing List
SigmaPro Properties, LLC
TCEQ Docket No. 2022-0531-MWD

Casey Bell
Duggins Wren Mann & Romero, LLP
(for 1817 Lacey, Ltd.)
600 Congress Ave, Suite 1900
Austin, Texas 78767-1149
FAX 512/744-9399
cbell@dwmrlaw.com

Representing Lacy, Ltd.

Edmond R. McCarthy, Jr.
Edmond R. McCarthy, III
McCarthy & McCarthy, LLP
1122 Colorado, Suite 2399
Austin, Texas 78701
FAX 512/692-2826
ed@ermlawfirm.com
eddie@ermlawfirm.com

Representing Sigma Pro Properties, LLC

David Underwood
SigmaPro Properties, LLC
13241 Harman Rd.
Fort Worth, Texas 76177
FAX 817/887-5202
davidu@sigmaproeng.com

Representing Sigma Pro Properties, LLC

Todd Galiga (MC 173)
TCEQ Environmental Law Division
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600
FAX 512/239-0606
Todd.galiga@tceq.texas.gov

Representing Executive Director

Michael Parr (MC 173)
TCEQ Environmental Law Division
P.O. Box 13087
Austin, Texas 78711-3087
512 239-0600
FAX 512 239-0606
michael.parr@tceq.texas.gov

Representing Executive Director

Vic McWherter (MC 103)
TCEQ Office of Public Interest Counsel
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363
FAX 512/239-6377
Vic.mcwherter@tceq.texas.gov

Representing OPIC

Docket Clerk (MC 105)
TCEQ Office of Chief Clerk
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300
FAX 512/239-3311
<https://www14.tceq.texas.gov/epic/efiling/>

Ryan Vise
TCEQ External Relations Division (MC 118)
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0010
FAX 512/239-5000
pep@tceq.texas.gov

Exhibit “A”

Affidavit of Janet Sims

TCEQ Docket No. 2022-0531-MWD

PETITION BY 1817 LACEY, LTD.	§	BEFORE THE TEXAS COMMISSION
TO REVOKE TEXAS POLLUTION	§	
DISCHARGE ELIMINATION	§	ON
SYSTEM ("TPDES") PERMIT	§	
NO. WQ0015722001	§	ENVIRONMENTAL QUALITY
	§	

AFFIDAVIT

STATE OF TEXAS	§
	§
COUNTY OF TRAVIS	§

**Affidavit of Janet Sims, Employee of Mead & Hunt, consultant engineering firm to
SigmaPro Properties, LLC, a Texas limited liability company**

Janet Sims, having been duly sworn by the undersigned authority, does state under oath the following:

1. My name is Janet Sims. I am over the age of 18 and competent to make this affidavit. I have personal knowledge of the facts stated in this affidavit and they are true and correct.
2. I am currently employed by Mead & Hunt, a national multi-discipline consulting firm, where I am employed as a Senior Project Manager, Water/Wastewater Services. My business address is 8217 Shoal Creek Blvd., Suite 203, Austin, Travis County, Texas 78757. I have worked for Mead & Hunt since August 2021, when my prior employer, Perkins Engineering ("Perkins") merged with Mead & Hunt. I had been with Perkins for approximately five years at the time of the merger.
3. I received my Bachelor of Science Degree in Chemistry from the University of Texas Permian Basin. I have been working on the preparation and filing of wastewater permit applications at the Texas Commission on Environmental Quality ("TCEQ") and its predecessor agencies throughout my professional career, which spans the last 30 years. I do not hold any professional licenses.
4. Since obtaining my degree, and beginning my professional career, I have continued my education both by attending continuing education courses, self-study, and on-the-job training. My self-study has included reading and staying current with the rules of the TCEQ, and applicable State and Federal laws and regulations related to wastewater matters, as well as the TCEQ's respective applications and related instructions and guidance manuals for wastewater permitting.

5. I have worked with SigmaPro Properties LLC (“SigmaPro”) on its TPDES Application since 2018 when SigmaPro retained Perkins Engineering Consultants, Inc. (“Perkins”) to assist SigmaPro in its efforts to secure a wastewater treatment and discharge permit, known as a TPDES Permit, from TCEQ. I served as the “Project Manager” on the Perkins’ Team responsible for the development and processing of the SigmaPro Application. In this capacity I worked with SigmaPro’s in-house Project Manager, Mr. Robert Berman.
6. During the permitting process I prepared and/or supervised the Perkins Team working on the SigmaPro Application.
7. I give this affidavit in my capacity as an employee of Mead & Hunt, formerly Perkins Engineering Consultants, Inc., consultant to SigmaPro Properties, LLC, and my role as the Perkins Team’s Project Manager for the SigmaPro Application.
8. In my capacity as Project Manager for the Perkins’ Team working on the SigmaPro Application, I supervised and reviewed the work of Team Members, as well as coordinated with Mr. Berman, SigmaPro’s in-house Project Manager. One of the specific issues I consulted with Mr. Berman about was the verification of persons and entities with property downstream of SigmaPro’s proposed discharge outfall and the downstream discharge route. This coordination was necessary because of the permitting process requirement to provide a map and list of addresses to TCEQ for purposes of providing mailed notices relating to the SigmaPro Application, and important to communicate with nearby landowners about the project being proposed that required obtaining the TPDES permit..
9. Mr. Berman was helpful in providing information about persons and entities and their mailing addresses, both because of his familiarity with the area around the SigmaPro property, and the fact that he was personally reaching out and making on-the-ground physical contact with each of the persons operating on the properties my Perkins Team and I had identified as being eligible to receive mailed notice from TCEQ about SigmaPro’s TPDES Permit Application. A true and correct copy of the Map of the neighboring properties I provided to Mr. Berman for his use in visiting them in 2018 is attached hereto as **Exhibit No. “1,”** and incorporated by reference for all purposes.
10. Based upon my Perkins Team’s research of persons/entities entitled to receive mailed notice, coupled with the assistance provided by Mr. Berman, I prepared and submitted my September 28, 2018, letter to Ms. Velma Fuller in the TCEQ’s Water Quality Division updating both the Administrative Report and the Technical Report sections of SigmaPro’s TPDES Permit Application. That updated letter included as Enclosure A a “Revised Landowner Map” and set of names and addresses of persons and entities we believed were eligible to receive mailed notice. A true and correct copy of my September 28, 2018, letter to TCEQ is attached hereto as **Exhibit No. “2.”**
11. With respect to the property identified as Tract No. 4 on the Map included as Enclosure A to the **Exhibit No. “2,”** that property contains multiple street addresses along Lacy Dr., including 1817 Lacy Drive and 1819 Lacy Drive.

12. In 2018 we identified Closner Equipment Company, Inc., as the entity eligible to receive mailed notices about the SigmaPro Application. Closner is identified in my September 28, 2018 Letter to TCEQ (*see* **Exhibit No. "2"**). I also know that Mr. Berman visited the onsite manager at the Closner facilities on Tract No. 4 about the SigmaPro TPDES Application.
13. In reading the Petition to revoke or suspend the SigmaPro TPDES Permit No. WQ0015722001 filed by 1817 Lacey Ltd., with the TCEQ on April 21, 2022, I understand that 1817 Lacey, Ltd. claims to have owned Tract No. 4 in 2018, and alleges that SigmaPro intentionally misrepresented facts to TCEQ to avoid providing notice to Lacey Ltd. Based upon my work on the SigmaPro Application, including my coordination with SigmaPro personnel, to include SigmaPro's in-house Project Manager for the Permit Application, Mr. Robert Berman, I know this allegation to be wrong.
14. I am familiar with the rules and application processes of the TCEQ. I am diligent in my work efforts to comply with the TCEQ requirements, and I use my best professional efforts, knowledge and training over my 30 years of involvement in the TCEQ permitting process to accomplish these objectives.
15. In addition to my knowledge and supervision of the Perkins Team working on the SigmaPro Application, and coordination with the SigmaPro in-house Team and its Project Manager Robert Berman, who personally reached out to the persons operating on the respective properties shown on the Map included as Enclosure A of my September 28, 2018 Letter (**Exhibit No. "2"**), I know that the information we reported to TCEQ on behalf of SigmaPro in support of its TPDES Permit was the best information available that our research revealed, and that the same was reported in good faith, and certainly never with the intent to hide the Application from 1817 Lacey Ltd., or any other person or entity.
16. In addition to the mailed notice that was sent, and the personal communications by Mr. Berman, notice of the SigmaPro Application was published on two separate occasions in two separate newspapers of general circulation to provide notice to the public – one in English and one on Spanish. True and correct copies of the Publisher's Affidavits of TCEQ required notices published in the *Fort Worth Star Telegram* (English version) on October 20, 2018, and January 29, 2019, are attached hereto as **Exhibit Nos. "3" and "4,"** respectively. Copies of the Publisher's Affidavits for those same notices published in the *La Estrella* newspaper (Spanish version) on October 20, 2018, and February 9, 2019, are attached hereto as **Exhibit Nos. "5" and "6."** Additionally, a copy of the SigmaPro TPDES Permit Application was filed in the Haslet Library (100 Gammill Street, Haslet, Texas 76052), to be available for review by members of the public.
17. The statements made in paragraphs 1. through 16., above, inclusive are true and correct and within my personal knowledge.

Further Affiant Sayeth Not.

Executed in Travis County, State of Texas, on this
3rd day of June, 2022.

Janet Sims
Janet Sims, AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME by Janet Sims, acting in her capacity as an employee of Mead & Hunt, formerly Perkins Engineering Consultants, Inc., consultant to SigmaPro Properties, LLC, this the 3rd day of June, 2022, to certify which witness my hand and seal of office.

Edmond R. McCarthy, Jr.
Notary Public, State of Texas
Printed Name: _____
Notary No.: _____
My Commission Expires: _____

Notary Seal

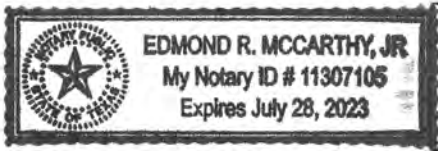
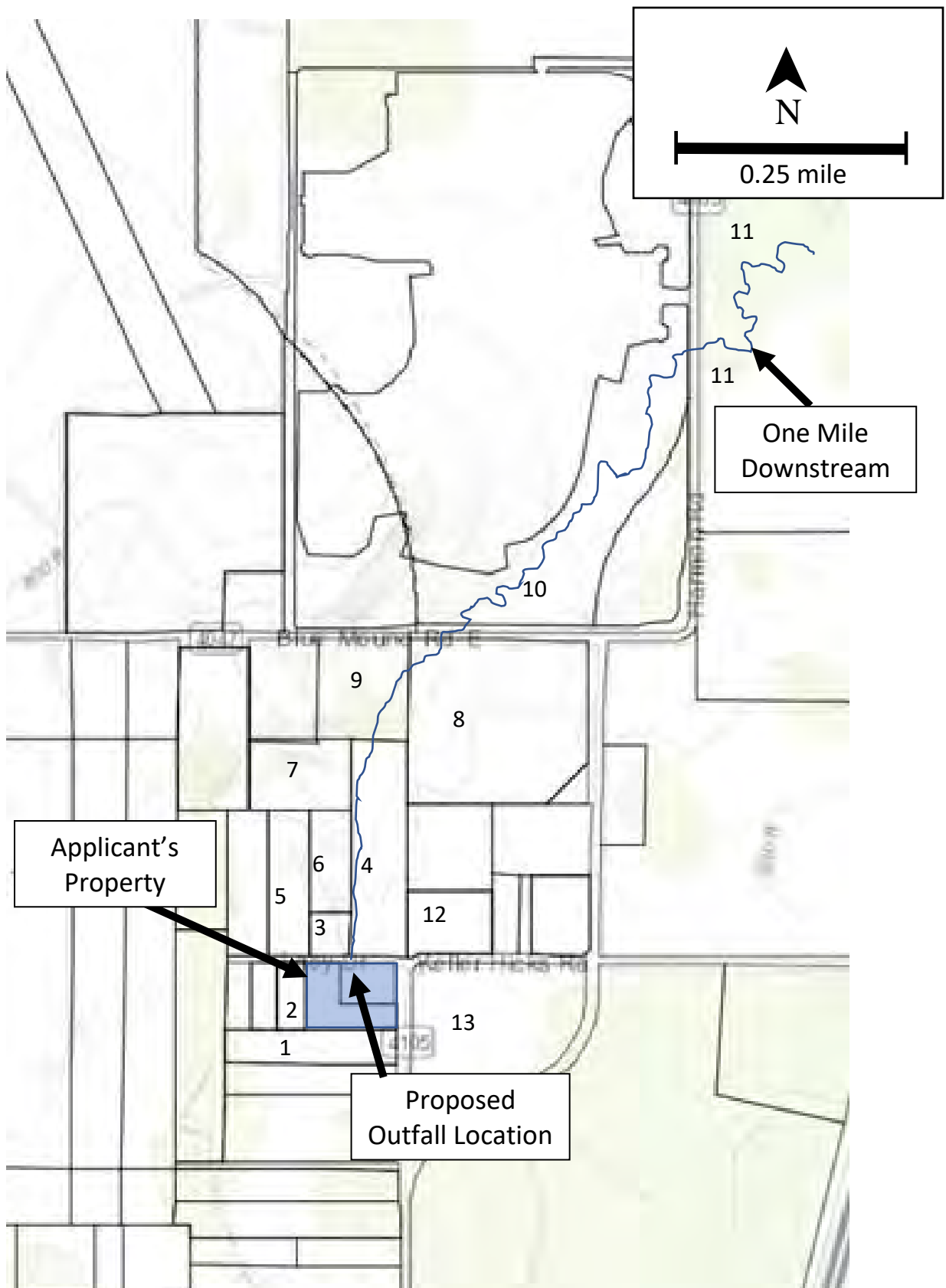


Exhibit No. “1”

Map of Neighboring Properties to SigmaPro’s Permit Site



ATTACHMENT C
SIGMAPRO PROPERTIES, LLC
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
APPLICATION FOR NEW PERMIT
LANDOWNER MAP

ATTACHMENT C
SIGMAPRO ENGINEERING & MANUFACTURING, INC.
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
APPLICATION FOR NEW PERMIT
AFFECTED LANDOWNER INFORMATION

- | | |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1 FERGUSON ENTERPRISES INC
12500 JEFFERSON AVE
NEWPORT NEWS VA, 23602-4314 | 8 HARMON ROAD LP
1665 HARMON RD
FORT WORTH TX, 76177-6522 |
| 2 COMLINK WIRELESS
776 WINDEMERE WAY
KELLER TX, 76248 | 9 TUCKER JAMES R
TUCKER MEGHAN
1004 BLUE MOUND RD E
HASLET TX, 76052-4058 |
| 3 MUSH INC
1805 LACY DR
FORT WORTH TX, 76177-6507 | 10 CARAWAY HOMEOWNERS ASSOCIATION INC
101 CLARIDEN RANCH RD
SOUTHLAKE TX, 76092 |
| 4 CLOSNER EQUIPMENT CO INC
PO BOX 917
SCHERTZ TX, 78154-0917 | 11 RHETT REALTY INVESTORS ETAL
3930 GLADE RD STE 108
COLLEYVILLE TX, 76034-7923 |
| 5 CUDD PRESSURE CONTROL INC
8032 MAIN ST
HOUMA LA, 70360-4428 | 12 CONNER INDUSTRIES INC
3800 SANDSHELL DR STE 235
FORT WORTH TX, 76137-2429 |
| 6 BMAX PROPERTIES LLC
149 SCENIC RIDGE DR
WEATHERFORD TX, 76087-1522 | 13 TCRG OPPORTUNITY IX LLC
5201 CAMP BOWIE BLVD STE 200
FORT WORTH TX, 76107 |
| 7 V P DEVELOPMENT CORP
2196 JOYCE CT
EULESS TX, 76039-4252 | |

Exhibit No. “2”

**September 28, 2018, Letter to TCEQ, including revised
Map of Neighboring Properties to SigmaPro’s Permit Site**



13740 N. Highway 183 #L6
Austin, TX 78750
Office: 512-735-1001
Fax: 512-735-1002
www.perkinsconsultants.com

September 28, 2018

Velma Fuller
Water Quality Division (148)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: SigmaPro Properties, LLC
Application for Proposes Permit No. WQ0015722001(EPA I.D. TX1038754)
CN605566363, RN110487162

Dear Ms. Fuller:

SigmaPro Properties, LLC (SigmaPro) has reviewed your comment letter dated September 13, 2018. Following are the responses to your comments.

1. Item 1.A on page 13 of the Administrative Report 1.1: Enclosed is a revised landowners map. The location of the treatment facility is shown and labeled. (See Enclosure A.)
2. Item 1.C on page 13 of the Administrative Report 1.1: Enclosed are revised landowner labels. The punctuation has been removed. (See Enclosure B.)
3. Technical Review Comments:
 - Domestic Technical Report 1.1, Section 1 – Justification of Permit Need: Correspondence with the City of Fort Worth was not provided in the application. A meeting was recently conducted with the City of Fort Worth Water Utilities staff. A wastewater line approximately 3,100 feet from the SigmaPro site was identified. The schedule for easements to be granted and the length of pipe required to connect to the City's system were discussed. Connection to the City's system has been determined to be prohibitively expensive for the applicant at the present time. Making the connection will involve acquisition of easements from or dedication of easements by other private landowners, which is not under the applicant's control. The cost of extending the sewer line to connect to the City's system has been preliminarily projected by both Sigma Pro and City representatives to range from \$500,000 to \$650,000, not including engineering or the cost of land rights. The cost of installing the proposed small treatment plant is anticipated to be approximately \$100,000, depending on site improvements and other features added. Attachment I has been revised based on this new information. (See Enclosure C.)
 - Domestic Technical Report 1.1, Section 4 – Design Calculations: SigmaPro appreciates your comment regarding the proposed peak flow factor and the dimensions of the clarifier. The variances to the design criteria for the wastewater

treatment facilities will be addressed in the summary transmittal letter and/or plans and specifications.

4. The portion of the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit that was provided in your letter has been reviewed. The information is accurate and complete.

Also, enclosed are revisions to Page 9 of the Administrative Report 1.0, Page 13 of the Technical Report, and Attachment L.

- Page 9 of the Administrative Report 1.0 - The latitude for the Outfall location in Item 10.B has been corrected. The correct coordinates for the proposed outfall location are Latitude: 32.94139, Longitude: -97.32389. The location described in the portion of the notice provided in your letter is correct. (See Enclosure D.)
- Page 13 of the Technical Report - The location of the ultimate sludge disposal site has been revised. Liquid sludge will be transported to the City of Maypearl WWTP. (See Enclosure E.)
- Attachment L – The ownership of the ultimate disposal site that is described in the Sewage Sludge Management Plan has been revised. Sludge will be transported to the City of Maypearl WWTP. An agreement from the City of Maypearl WWTP Representative to accept the sludge is enclosed. (See Enclosure F.)

SigmaPro appreciates your assistance with this permit application. If you have questions about the information presented, please contact me at (512) 735-1001.

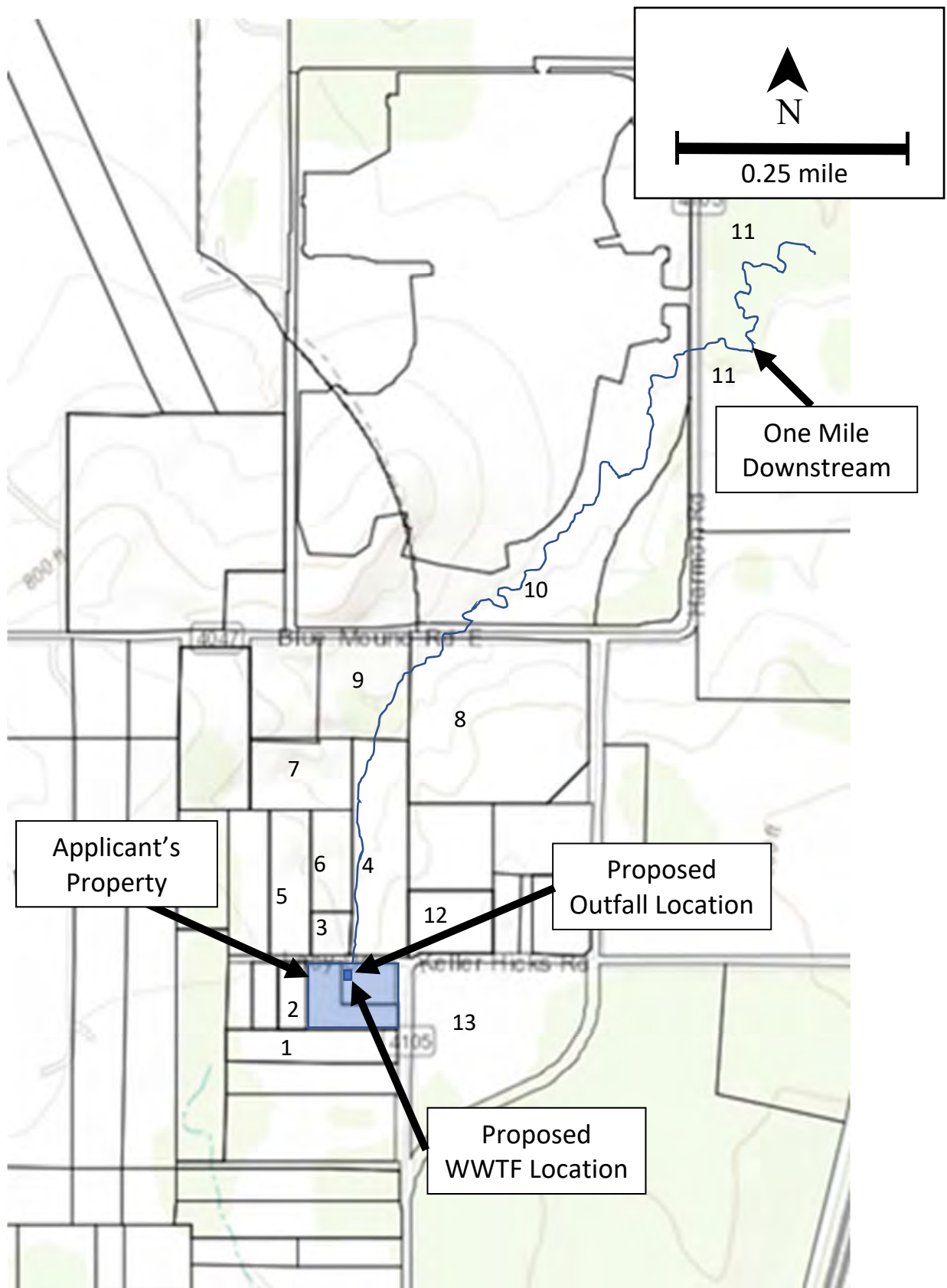
Sincerely,

Janet Sims
Perkins Engineering Consultants, Inc.

Enclosures

Cc: Robert Berman, SigmaPro
Mark Perkins, PEI

Enclosure A
Revised Landowner Map



ATTACHMENT C
SIGMAPRO PROPERTIES, LLC
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
APPLICATION FOR NEW PERMIT
LANDOWNER MAP

Enclosure B
Revised
Landowner Labels

FERGUSON ENTERPRISES INC
12500 JEFFERSON AVE
NEWPORT NEWS VA 23602-4314

HARMON ROAD LP
1665 HARMON RD
FORT WORTH TX 76177-6522

COMLINK WIRELESS
776 WINDEMERE WAY
KELLER TX 76248

TUCKER JAMES R
TUCKER MEGHAN
1004 BLUE MOUND RD E
HASLET TX 76052-4058

MUSH INC
1805 LACY DR
FORT WORTH TX 76177-6507

CARAWAY HOMEOWNERS
ASSOCIATION INC
101 CLARIDEN RANCH RD
SOUTHLAKE TX 76092

CLOSNER EQUIPMENT CO INC
PO BOX 917
SCHERTZ TX 78154-0917

RHETT REALTY INVESTORS ETAL
3930 GLADE RD STE 108
COLLEYVILLE TX 76034-79231

CUDD PRESSURE CONTROL INC
8032 MAIN ST
HOUMA LA 70360-4428

CONNER INDUSTRIES INC
3800 SANDSHELL DR STE 235
FORT WORTH TX 76137-2429

BMAX PROPERTIES LLC
149 SCENIC RIDGE DR
WEATHERFORD TX 76087-1522

TCRG OPPORTUNITY IX LLC
5201 CAMP BOWIE BLVD STE 200
FORT WORTH TX 76107

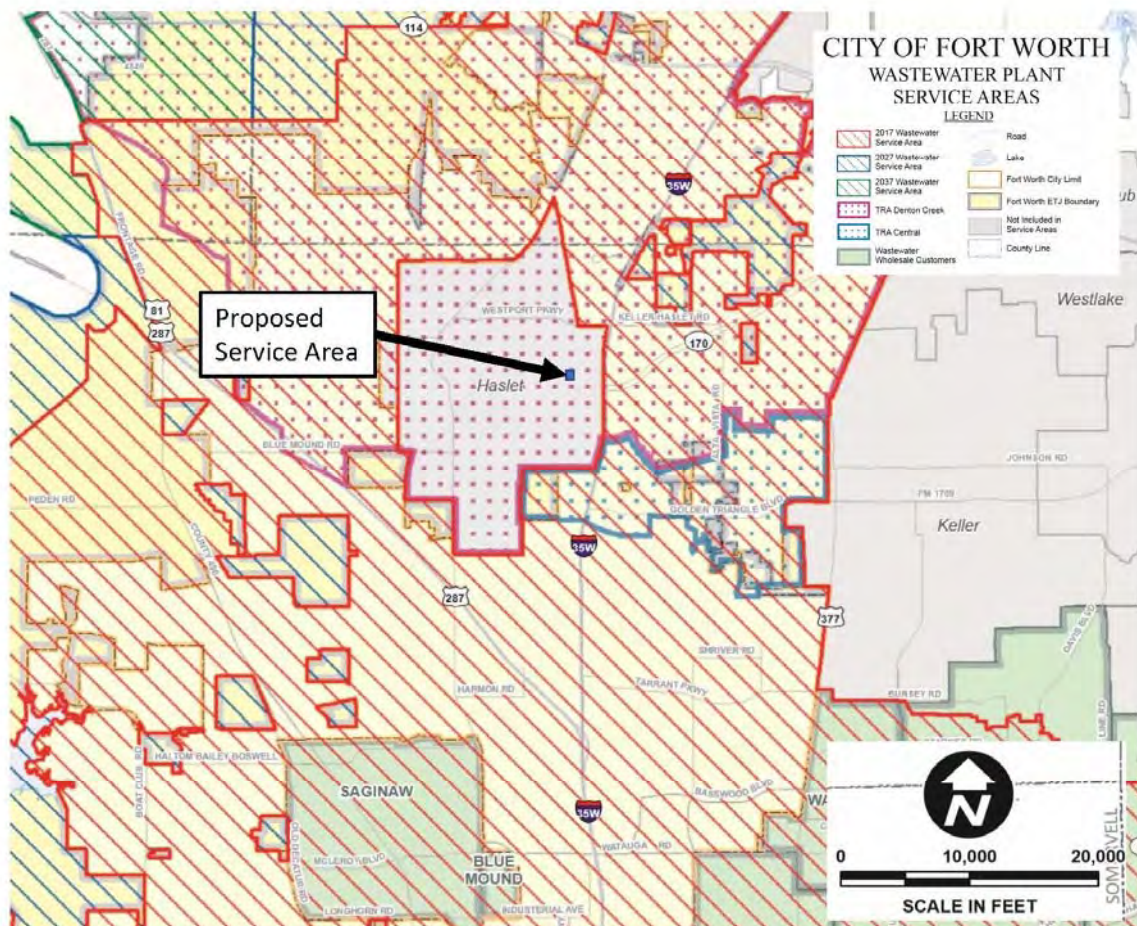
V P DEVELOPMENT CORP
2196 JOYCE CT
EULESS TX 76039-42529

Enclosure C
Revised
Attachment I

ATTACHMENT I
SIGMAPRO PROPERTIES, LLC
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
APPLICATION FOR NEW PERMIT
NEARBY COLLECTION SYSTEMS

SigmaPro Properties, LLC (SigmaPro) is located at 13241 Harmon Road, Fort Worth, Texas in Tarrant County. The locations of the proposed service area for the SigmaPro and the nearby collection system are presents on the map below.

Nearby Service Area Map



Wastewater collection systems within three miles of the proposed treatment facility are for the City of Fort Worth and the City of Haslet. Wastewater in the area is transferred to the Denton Creek Regional Wastewater System (DCRWS), which is owned and operated by the Trinity River Authority of Texas (Authority) in accordance with Texas Pollutant Discharge Elimination System permit No. WQ0013457001.

The representatives with the City of Fort Worth, City of Haslet, and the Authority were contacted. It was verified that neither the City of Haslet or the Authority is willing to extend retail service to the applicant's property at the present time. The schedule for when the collection system operated by the

City of Fort Worth will be extended to the SigmaPro property is uncertain. The nearest collection system line is approximately 3,100 feet. The anticipated cost and schedule to construct a wastewater line and to obtain the easements to the nearest collection system would be prohibitively expensive compared to the cost of installing a small treatment facility. The applicant is receptive to obtaining service from the City of Fort Worth if and when lines are extended to the applicant's property. Therefore, connecting to the nearby collection system is not a viable option at this time.

Enclosure D

Revised

Page 9 of Administrative Report 1.0

The proposed wastewater treatment will be located at 13241 Harmon Road, Fort Worth, Texas in Tarrant County.

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☐ No

If **no, or a new or amendment permit application**, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

The discharge is to an unnamed tributary; thence to Buffalo Creek; thence to Henrietta Creek; thence to Denton Creek; thence to Grapevine Lake in Segment 0826 of the Trinity River Basin.

City nearest the outfall(s): Fort Worth

County in which the outfalls(s) is/are located: Tarrant

Outfall Latitude: 32.94139

Longitude: -97.32389

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If **yes**, indicate by a check mark if:

☐ Authorization granted ☐ Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

Attachment:

F. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

N/A

Section 11. TLAP Disposal Information (Instructions Page 36)

A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes ☐ No ☐ N/A

If **no, or a new or amendment permit application**, provide an accurate description of the

Enclosure E
Revised
Page 13 of Technical Report

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the following list. Check all that apply.

- ☐ Permitted landfill
- ☐ Permitted or Registered land application site for beneficial use
- ☐ Land application for beneficial use authorized in the wastewater permit
- ☐ Permitted sludge processing facility
- ☐ Marketing and distribution as authorized in the wastewater permit
- ☐ Composting as authorized in the wastewater permit
- ☐ Permitted surface disposal site (sludge monofill)
- ☐ Surface disposal site (sludge monofill) authorized in the wastewater permit
- ☒ Transported to another permitted wastewater treatment plant or permitted sludge processing facility. If you selected this method, a written statement or contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge must be included with this application.

☐ Other:

Sludge will be transported to the City of Maypearl wastewater treatment plant (TPDES permit No. WQ0010431001). See agreement in Attachment L.

B. Sludge disposal site

Disposal site name:

TCEQ permit or registration number:

County where disposal site is located:

C. Sludge transportation method

Method of transportation (truck, train, pipe, other): Truck

Name of the hauler: Bowman Environmental Enterprises LLC

Hauler registration number: 23623

Enclosure F
Revised
Attachment L

ATTACHMENT L

SIGMAPRO PROPERTIES, LLC TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT APPLICATION FOR NEW PERMIT

SEWAGE SLUDGE SOLIDS MANAGEMENT PLAN

- **TREATMENT UNITS AND PROCESS DIMENSIONS**

See Attachment J and Treatment Units presented in Section 3.B of the Technical Report, (form TCEQ-10054) page 2 of 80.

- **PROJECTED SOLIDS GENERATION:**

The table below shows the amount of solids generated at design flow, and at 75%, 50%, and 25% design flow. The proposed Final Phase Design Flow is 0.0095 MGD.

Percent of Design Flow	Dry Pounds Per Day
25%	3
50%	7
75%	10
100%	13

It is expected that sludge can be thickened by decanting to 2-percent solids in the plant's solids holding tank. Hauling frequency will vary based on flows, wasteloads, and thickening efficiency. Quantities shown above are based on an assumed production of 0.7 dry tons of solids per million gallons treated.

- **MLSS RANGE:**

MLSS in the aeration basin is expected to be in the 2,000 to 5,000 mg/l range.

- **OWNERSHIP OF ULTIMATE SLUDGE DISPOSAL SITE:**

Liquid sludge is transported by registered hauler, Bowman Environmental Enterprises, LLC, Registration No. 23623, to the City of Maypearl WWTP, WQ0010431001.



801 S. Files St. Itasca, TX 76055
(254) 687-2642 FAX (254) 687-2656
bowmanenv@gmail.com

Bowman Environmental Enterprises, LLC is contracted to pump and dispose of all sludge from SigmaPro Properties LLC, 13241 Harmon Rd., Ft. Worth, TX 76177.

Bowman Environmental Enterprises, LLC has a contract to dispose of sludge/wastewater with the City of Maypearl at their WWTP located at the east end of Martin Luther King Street, approximately 0.5 mile south of the intersection of Farm-to-Market Road 66 and Farm-to-Market Road 157, in Ellis County, Texas 76064

The primary sludge disposal site is City of Maypearl WWTP located at the east end of Martin Luther King Street, approximately 0.5 mile south of the intersection of Farm-to-Market Road 66 and Farm-to-Market Road 157, in Ellis County, Texas 76064

Signature

9-20-18

Date

Richard S. Deese

Print Name

City of Maypearl WWTP Representative

David Bowman

Owner/Operator

Bowman Environmental Enterprises, LLC

9-20-18

Date

Exhibit No. “3”

**Publisher’s Affidavit from *Fort Worth Star Telegram*
dated October 20, 2018**

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

Applicant Name: SigmaPro Properties, LLC
Permit No.: WQ0015722001

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

STATE OF TEXAS §
COUNTY OF Tarrant §

Before me, the undersigned authority, on this day personally appeared
Christine Lopez who being by me duly sworn, deposes
(name of person representing newspaper)
and says that (s)he is the Legal Coordinator
(title of person representing newspaper)
of the Fort Worth Star-Telegram; that this newspaper is a newspaper of
(name of newspaper)
largest circulation in Tarrant County, Texas or is
(name of county)
a newspaper of general circulation in FTWORTH,
(name of municipality)

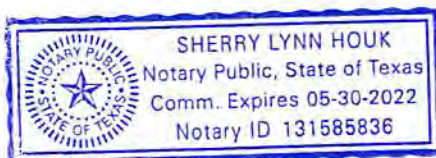
Texas; and that the enclosed notice was published in said newspaper on the following
date(s):

10-20-2018

[Signature]
(newspaper representative's signature)

Subscribed and sworn to before me this the 8 day of, November
2018

(Seal)



Sherry Lynn Houk
Notary Public in and for the State of Texas
Sherry Lynn Houk
Print or Type Name of Notary Public

My Commission Expires 5-30-2022

Drive



That UN Report



By Ed Wallace

When discussing climate change two things need to be understood up front. The first is that the climate has changed, particularly over the past 40 years in North Texas. Those old enough can remember the incredible ice storms that blanketed our region in the late Seventies and early Eighties; that doesn't seem to happen much anymore. And second, mankind tends not to do anything about a crisis until it has everyone's back against the wall.

America is a country that took great pride in pushing science and technology forward to improve our lives and our environment. And I personally agreed with the 54-mpg fuel efficiency standard for new automobiles instituted during the Obama administration; these things aren't just good for the environment, they're also brilliantly conceived ways to force businesses to position themselves for survival in the future.

After all, if you are a Baby Boomer you've seen Detroit nearly die twice. Once during the Second Energy Crisis, because they were still selling vehicles far less fuel efficient than their Japanese competitors, and again during the Financial Meltdown. And here we can make a solid historical comparison: Before the first Corporate Average Fuel Economy law took effect in 1975, the Oldsmobile Toronado still came with a 455 cubic inch V-8 rated at 215 horsepower, down from 350 horsepower at the start of the Seventies due to the mandated emissions equipment at the time. However, that 1974 Toronado also had an EPA fuel efficiency rating of just 5.9 miles per gallon and a 26.9-gallon gasoline tank. That's right, if gas were \$3 a gallon and you drove that vehicle in town, it would cost \$80 to fill up, and you'd have to do so every 158 miles.

If today's full-sized SUVs had only 215 horsepower, delivered only 5.9 miles to the gallon, and got a pitiful 158 miles of range, market demand for those vehicles would hover near zero. Who can forget when Ford brought out its Excursion,

the largest SUV sold in America, with its V-10 engine it got far less than 10 miles to the gallon in town. Which is why that Ford land barge sank in short order.

In 1975 auto manufacturers were told to double the fuel efficiency of their fleet within 10 years, something they screamed and howled about, to comply with a federal mandate they in no way wanted. However, that goal was met in 1985, the

I PERSONALLY AGREED WITH THE 54-MPG FUEL EFFICIENCY STANDARD FOR NEW AUTOMOBILES INSTITUTED DURING THE OBAMA ADMINISTRATION.

prices of cars didn't go through the roof, as they claimed would happen, and the following year Americans purchased 16 million vehicles for the first time in our history. Therefore, history shows that CAFE saved the American auto industry in that unsettled period.

More important, because the fuel efficiency of all vehicles doubled, drivers saved untold billions of dollars in fuel expenses. At least, when you take into

account the improved fuel mileage's offsetting the higher prices for gasoline along the way. And when vehicles get better mileage they put out fewer emissions, and that's why the nation isn't blanketed in a cloud of smog like it was in the Seventies. Things have improved to the point that the EPA's website claims that burning a gallon of gasoline today creates only 8,887 grams of CO2 emissions, although over a year's time that equates to 4.6 metric tons (6.6 metric tons at 20 mph).

In summary, it is impossible to overstate the vast

it to just that temperature increase over the next 82 years we've got to ditch coal and other fossil fuels within the next few decades. And in addition to that massive shift in our economy and energy system, we must prepare to find ways to actually take the CO2 out of the atmosphere.

The report also states that the world has already warmed by 1.8 degrees Fahrenheit since the Industrial Revolution started — but that's an unfair comparison without further explanation. The Industrial Revolution was the shift to machine manufacturing processes that took place between 1760 and 1820. Meaning, the Little Ice Age was still in effect.

Look, the Thames River in London was frozen over every winter and a Frost Fair was held on it. At the last one, in 1814, the ice was so thick they literally walked an elephant across the Thames. Galveston Bay froze solidly over in numerous years, including the winter of 1863-64, and again in 1899. LaReunion, the utopian socialist commune on the West side of the Trinity in Dallas, finally gave up and moved into town in 1856 because in late May a blizzard hit and destroyed their crops.

Then again, that temperature climb as a result of the end of the Little Ice Age

must have benefited mankind. After all, it had taken nearly 200,000 years for Earth's population to grow to 1 billion humans, and it took only a couple of hundred years to hit 7.6 billion.

If you've followed this section so far, you can see the biggest problem with this Climate Report and most of the previous ones. There's virtually no reasonable long-term consensus to what they claim are verified facts. Doubt that? On January 26, 1989, the *New York Times* ran a story under the headline, "US Data Since 1895 Fail to Show Warming Trend." That article's opening sentence reads, "After examining climate data extending back nearly 100 years, a team of government scientists has concluded that there has been no significant change in average temperatures or rainfall in the United States over that period."

This is no different from the hundreds of published newspaper stories quoting scientists who said that global warming went into a pause in 1998 and remained there for well over a decade — and then suddenly on June 4, 2015, the *New York Times* carried the story headlined, "Global Warming Hiatus Challenged by NOAA Research."

SEE WALLACE, PAGE 4

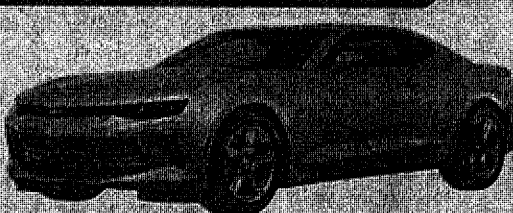
LYNN SMITH
Chevrolet.net**CHEVROLET**

HUGE PRE-OWNED SALES EVENT

CERTIFIED PRE-OWNED

2015 GMC TERRAIN**\$20,000**

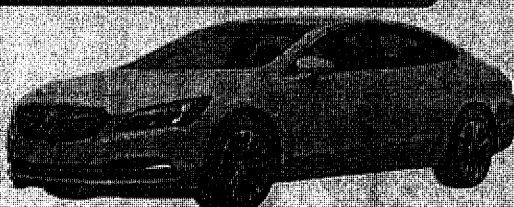
stk#49257A

2018 CHEVROLET CAMARO LT RS**\$24,000**

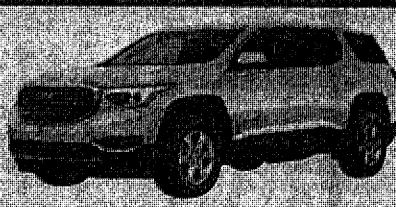
stk#A4670

2018 IMPALA PREMIUM**\$25,000**

stk#A4617

2018 BUICK LACROSSE**\$26,000**

stk#A4658

2018 GMC ACADIA SLE**\$29,000**

stk#A4697

**2018 CHEVROLET SILVERADO CREW CAB
LTZ TEXAS ED.****\$40,000**

stk#45410A

\$9,000 AND UNDER!

QX80

CONTINUED, FROM PAGE 2

ratings of 14 mpg city/20 highway/16 combined; with four-wheel drive, the ratings are 13/19/15, including the Limited.

With last year's redesign, the QX80 was given the brand's "Powerful Elegance" design language, along with a greatly improved interior that features refined components, high-quality materials, a hand-crafted finish and lots of new technology.

This newest generation is 208.9 inches long (up from 208.3 inches), 75.8 inches high (including roof rails) and 79.9 inches wide, with a wheelbase of 121.1 inches, the same as the previous model.

Infiniti says the new QX80 looks longer than its predecessor because of its defined character lines, along with new, larger functional fender vents.

The grille is more vertical than before, and the front edge of the hood extends 3.5 inches farther forward and is 0.79 inches higher, creating a more squared-off, vertical front section and a visibly longer, flatter hood.

Headlights wrap around the front corners of the hood and mesh into the fenders.

Infiniti says the headlights are the latest take on

2019 INFINITI QX80

The package: Full-size, seven- or eight-passenger, five-door, rear- or four-wheel-drive, V-8 powered, premium sport utility vehicle.

Highlights: Redesigned for 2018, the QX80 is a premium family hauler with lots of power, a smooth ride, and a long list of available high-tech features.

Negatives: Can get pricey with all the extras.

Engine: 5.6-liter V-8.

Transmission: Seven-speed automatic.

Power/torque: 400 HP/413 foot-pounds.

Brakes, front/rear: Disc/disc, antilock.

Length: 208.9 inches.

Curb weight: 5,644 pounds (2WD), 5,888 pounds (4WD).

Cargo capacity: 16.6 cubic feet (behind third row); 49.6 cubic feet (behind second row); 95.1 cubic feet (second and third rows folded).

Electronic stability control: Standard.

Side air bags: Front seat-mounted, three-row side curtain.

Towing capacity: 8,500 pounds.

EPA fuel economy: 14 mpg city/20 highway/16 combined (2WD); 13/19/15 (4WD).

Fuel capacity/type: 26 gallons/premium recommended, but not required.

Base prices: \$65,100 (Luxe, 2WD); \$68,200 (Luxe 4WD); \$89,800 (Limited 4WD), plus \$1,295 freight.

Price as tested: \$91,950, including freight and options (2019 Limited 4WD).

Major competitors: Chevrolet Tahoe/Suburban, GMC Yukon, Cadillac Escalade, Lincoln Navigator, Ford Expedition, Audi Q7, Toyota Sequoia, Nissan Armada Platinum.

On the Road rating: 9.3 (of a possible 10).

Prices shown are manufacturer's suggested retail; actual selling price may vary.

the brand's "human-eye" design, with "triple light guide" technology for maximum lighting and visibility from any angle. There are slim combination LED taillights.

Because most of what's available on the QX80 is already included in the higher price of the Limited model, the only extras on our test vehicle were the

premium paint and the all-season floor and cargo mats (\$355).

Total sticker price for our 2019 QX80 Limited 4WD was \$91,950, including freight.

The automotive columns of G. Chambers Williams III have appeared regularly in the Star-Telegram since 1994. Contact him at chambers@star-telegram.com or on Twitter @gchambers3.

Wallace

CONTINUED, FROM PAGE 1

Really, for over a decade no one had any data that contradicted what many climate scientists and organizations were saying publicly about the pause in Global Warming?

Here's another one. After the massive hurricane season of 2005, after Katrina slammed into New Orleans, another *New York Times* article started off with the line, "Let's call this by its real name, Global Warming." Which is no different from another article in the British *Guardian* on October 5, 2016 with the headline, "Hurricanes will worsen as planet warms and sea levels rise, scientists warn." One would then assume that from 2005 to 2016, the most powerful hurricanes were "proven" to be caused by global warming. Except that on May 13, 2015, NASA had to respond to the fact that no major hurricanes of a category 3 or higher strength had hit the United States in nine years. That's a historical record; it had never before happened, according to the records we've kept since 1850 on such storms.

THE IMPOSSIBLE TAKES A LITTLE LONGER

I've kept all these stories for decades, written about

the contradictions many times. Like that 1989 *New York Times* story, using the government's data to prove there was no significant warming. Yet today, allegedly using the same data,

WE ALL WASTE FUEL BY EITHER BEING STUCK IN TRAFFIC OR DRIVING AT 80 MILES AN HOUR.

the planet has warmed substantially.

Yet in spite of all this confusion, our climate has changed. That's undeniable. Personally I like the more moderate winters in North Texas, but I hear it's playing havoc at the northern end of the planet. I deeply believe that improving the fuel efficiency and lowering the emission of automobiles benefits us all, just like when computer chips double their speed every 18 months. And we all waste fuel by either being stuck in traffic or driving at 80 miles an hour. And yes, I do both, too.

So far the auto industry, through hard fought research, has almost made smog a thing of the past and has made our vehicles incredibly safe and un-

believably fuel efficient. And those three things you count on being a reality for the vehicle you own and the next one you purchase all happened because there was government law and mandate behind it. And yes, automakers complained every time a new mandate was put into place.

Jeremy Grantham, a famed investor in New England, a few years ago added his voice to our economic discussion, saying something to the effect of, we always discuss short-term goals on whether or not there's enough oil and so on. We just aren't looking far enough into the future. He postulated that a few hundred years from now, absolutely no one disagrees that there will be no more oil, coal, natural gas, iron ore or any other material to make things. What do we do then? That could also be the real point of climate change. No one doubts what happens in a couple of centuries.

Of course the real question, and the real answer, is, "What do we do now?"

Because we're responsible for the end date, not future generations.

Ed Wallace is a recipient of the Gerald R. Loeb Award for business journalism, bestowed by the Anderson School of Business at UCLA, and hosts the top-rated talk show, *Wheels*, 8:00 to 1:00 Saturdays on 570 KLIF AM. Email: edwallace570@gmail.com

CLASSIFIEDS
817-332-3333
Toll Free: 800-222-FWST (3978)
Place newspaper and online ads at:
www.star-telegram.com/classifieds

automotive

automobiles

1993 CHEVROLET CORVETTE coupe
Jusaguy98@aol.com, 817-456-2389

97 HONDA CX Ex Cond, great
drifter, \$2500, 817-304-8757

Acura MDX 2015 4dr FWD Teck
pkg, gray, 38805 miles, \$28991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22745A

CADILLAC XTS 2015, 4dr auto, 30k,
\$15,500 972-918-0985

CADILLAC XTS 2015 4dr auto loaded
30K \$17,500, 972-916-8924

Chevy Cruze 2017 4dr 1.4L Premier
white 49699 miles, \$15991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22790

Chevy Malibu 2011 4dr LT w/LT
red, 49804 miles, \$10991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #V239409A

Chevy Malibu 2018 4dr LT w/LT
gold 35577 miles, \$17891.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22795

Dodge Charger 2016 4dr SXT red
gray 43262 miles, \$21991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22888

Ford Conv. 2000 xcond, new top,
loaded, 160K \$1250, 817-317-1778

FORD FUSION 2015, SE, 4dr auto,
38K, \$7950 817-918-0985

Ford Taurus SE 2013 4dr auto loaded
110K \$7500, 972-916-8924

GMC YUKON, 2007, XL, 5dr auto,
110k, \$7000 817-918-0985

Honda Civic 2015 Coupe 2dr Mah SI
black, \$16991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22823

Hyundai Accent GL 2016 4dr auto
loaded 50K \$6500, 817-918-0985

Hyundai Accent GL 2016 4dr auto
loaded 50K \$6500, 817-918-0985

Kia Soul + Auto 2018 silver 30939
miles, \$14991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22749

Lincoln TC-Cartier-L 2002 57k mi
Best offer 817-457-7600

Mitsubishi Galant 2002xcond loaded

auto/class and specialty

NO HASSLE
PRICING ON:Honda Certified
Used Cars
817-803-9560

HugginsHonda.com

auto parts/service

Rebuilt 250 Chevy engine, access.
all new, \$1100 final 940-399-7859

SUVS

Chevy Suburban 2017 4WD 1500
LT silver, 49490 mi, \$37991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22789

Chevy Tahoe 2017 2WD 4dr LT
black, 30174 miles, \$41500.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22826

Chevy Tahoe 2018 2WD 4dr LT
gray, 28960 miles, \$43991.
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22798

Chevy Traverse 2018 4dr FWD Premier
11Z 10078mi \$39991
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #V396614A

Jeep Grand Cherokee 1998, 140K,
loaded, xcond \$1650, 817-317-1778

JEEP PATRIOT 2016 Sport 5dr auto
loaded 59K \$7950, 817-918-0985

JEEP PATRIOT 2016 Sport 5dr auto
loaded 59K \$7950, 817-918-0985

Jeep Renegade 2016 FWD 4dr
Latitude, red 20352 mi, \$16500
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #P22772

Nissan Xterra 2012 80134 miles
\$15991
Limited Lifetime Powertrain Warr
Call Now 817-696-2211 #H165051A

trucks & vans

VANDERGRIF
TOYOTA
IN ARLINGTON

OVER 200 PRE-OWNED
VEHICLES IN STOCK!

ACROSS FROM THE PARKS
MALL
(EXIT I-20 & COOPER)

817-299-6102

WWW.VANDERGRIFTTOYOTA.COM

misc. automotive

CLASSIC
CHEVROLET
RELAX...AND ENJOY
THE DIFFERENCE.
817-410-6150

GRAPEVINE, TX
CLASSICCHEVPREOWNED.COM

recreation

camping/motorhomes

AIRSTREAM
of DFW

NOW OPEN!

All Indoor Airstream Facility.
Sales - Service
Parts - Accessories

817-882-6610

109 N. Chandler Dr.
AirstreamDFW.com

KennedaleCamperSales.com
BUY • SELL • TRADE

misc employment

situations/employment wanted

I AM a Caregiver with 15 yrs exp.
Live in, I am cert in CPR Also Certified
Medical Asst. Looking for
Part or Full time 940-366-8106

NURSES AIDE home health
caregiver. 20 yrs exp. Full
time. 24 hr shift. Day/night.
Call 817-528-1616.

Senior Man looking for perm. personable
driver for Dr. appts, church, etc. Need to be dependent,
respectable, willing to drive in Mansfield area,
reliable car & ins. Must be avail. upon request
Pay monthly 817-468-3832 Call
8a-9p, lv msg. Mr. Ryder

legals classified

legals & public notices

NOTICE OF RECEIPT OF
APPLICATION AND
INTENT TO OBTAIN WATER
QUALITY PERMIT
PROPOSED PERMIT NO.
WQ0015722001

APPLICATION. SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015722001 (EPA I.D. No. TX0138754) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 9,500 gallons per day. The domestic wastewater treatment facility is located at 13241 Harmon Road, Fort Worth, in Tarrant County, Texas 76177. The discharge route is from the plant site to an unnamed tributary, thence to Buffalo Creek, thence to Henrietta Creek, thence to Denton Creek, thence to Grapevine Lake. TCEQ received this application on August 30, 2018. The permit application is available for viewing and copying at Haslet Public Library, 100 Gammill Street, Haslet, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.941388&lng=-97.323888&z=13&type=r
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

legals & public notices

tions 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; a list of all disputed issues of fact that you submit during the comment period 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 by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

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

legals & public notices

Further information may also be obtained from SigmaPro Properties, LLC at the address stated above or by calling Mr. Robert Berman at 682-888-1239.

Issuance Date: October 8, 2018

NOTICE TO BIDDERS
BID # 008-18

Sealed bids will be received at the City of Euless Purchasing Agent's Office, 201 N. Ector Drive, Fire Administration Building, Euless, Texas 76039, no later than 2:00 P.M. on November 7, 2018, and then opened and publicly read at 2:15 P.M. in the Fuller Conference Room in the Planning and Engineering Building located at 201 North Ector Drive, Euless, Texas for the construction of Euless Reclaimed Waterline Extension Phase 3.

The project includes:
1) Installation of two new reclaimed water pumps including pump control and SCADA
2) Installation of sand filtration system
3) Installation of approximately 3,310 linear feet of 12-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances.
4) Installation of approximately 1,200 linear feet of 8-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances.
5) Installation of approximately 11,500 linear feet of 6-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances.
6) Installation of approximately 7,140 linear feet of 4-inch and smaller pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances.
7) Connection to 30-inch irrigation meters and relocation of 10 meters.
8) Installation of meter on existing 12-inch PVC pipe of RW from Fort Worth.

Plans, specifications, and other contract documents will be available at www.CivCastUSA.com. Bidders must register on this website in order to view and/or download specifications and plans for this project. There is NO charge to view or download documents. If there are any questions concerning the specifications, or other bid documents or any part thereof, questions must be submitted by November 1, 2018 at 2:00 P.M. through the www.CivCastUSA.com

higher, creating a more squared-off, vertical front section and a visibly longer, flatter hood.

Headlights wrap around the front corners of the hood and mesh into the fenders.

Infiniti says the headlights are the latest take on

imum lighting and visibility from any angle. There are slim combination LED taillights.

Because most of what's available on the QX80 is already included in the higher price of the Limited model, the only extras on our test vehicle were the

Total sticker price for our 2019 QX80 Limited 4WD was \$91,950, including freight.

The automotive columns of G. Chambers Williams III have appeared regularly in the Star-Telegram since 1994. Contact him at chambers@star-telegram.com or on Twitter @gchambers3.

a historical record; it had never before happened, according to the records we've kept since 1850 on such storms.

THE IMPOSSIBLE TAKES A LITTLE LONGER

I've kept all these stories for decades, written about

waste fuel by either being stuck in traffic or driving at 80 miles an hour. And yes, I do both, too.

So far the auto industry, through hard fought research, has almost made smog a thing of the past and has made our vehicles incredibly safe and un-

Because we're responsible for the end date, not future generations.

Ed Wallace is a recipient of the Gerald R. Loeb Award for business journalism, bestowed by the Anderson School of Business at UCLA, and hosts the top-rated talk show, Wheels, 8:00 to 1:00 Saturdays on 570 KLIF AM. Email: edwallace570@gmail.com

CLASSIFIEDS

Toll-Free 800-222-FWST (3978)

Place newspaper and online ads at www.star-telegram.com/classifieds

817-332-3333

automotive

automobiles

1993 CHEVROLET CORVETTE coupe Jusaguy98@aol.com, 817-456-2389

97 HONDA CX Ex Cond, great drifter, \$2500. 817-304-8757

Acura MDX 2015 4dr FWD Teck pkg, gray, 38805 miles, \$28991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22745A

CADILLAC XTS 2015 4dr auto, 30K, \$15,500 972-918-0985

CADILLAC XTS 2015 4dr auto loaded 30K \$17,500. 972-916-8924

Chevy Cruze 2017 4dr 1.4L Premier white, 49699 miles, \$15991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22790

Chevy Malibu 2011 4dr LT w/2LT red, 49804 miles, \$10991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #V239409A

Chevy Malibu 2018 4dr LT w/1LT gold 35577 miles, \$17891. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22795

Dodge Charger 2016 4dr SXT red gray 43262 miles, \$21991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22888

Ford Conv. 2000 xcond, new top, loaded, 160K \$1250. 817-317-1778

FORD FUSION 2015 SE, 4dr auto, 38K, \$7950 817-918-0985

Ford Taurus SE 2013 4dr auto loaded 110K \$7500. 972-916-8924

GMC YUKON 2007 XL 5dr auto, 110K, \$7000 817-918-0985

Honda Civic 2015 Coupe 2dr Man SI black, \$16991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22823

Hyundai Accent GL 2016 4dr auto loaded 50K \$6500. 817-918-0985

Hyundai Accent GL 2016 4dr auto loaded 50K \$6500. 817-918-0985

Kia Soul + Auto 2018 silver 30939 miles, \$14991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22787A

Lincoln TC-Cartier-L 2002 57k mi Best offer 817-457-7600

Mitsubishi Galant 2002xcond loaded auto 140K \$1150. 817-317-1778

Nissan Maxima 2014 4dr 3.5 V6 w/PRE, gray, 64500mi, \$17900. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #V477595A

Nissan Sentra 2016 4dr 1.4 CVT SR white, 31484 miles, \$16991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22787A

Toyota 4Rnr SR5 '06 127K, xint, owner, cloth, \$11kobo 817-975-2313

Toyota Avalon 2009 LTD, 4dr auto, 80K, \$6500 817-918-0985

Toyota Avalon Ltd 2010 4dr auto loaded 100K \$7500. 817-918-0985



Toyota Tacoma, 2013, SR5, 179k, orig. owner, silver 4dr 4WD, heated seats, dual exh, air bag susp. in rear, bluetooth, backup camera, tow pack, elec brake, \$17,878 682-554-5438

VW BEETLE 2014 conv 7200mi, \$15,000 obo 817-457-7600

auto/class and specialty

A CAR SHOW
Saturday October 20, 5-9pm
Christmas Show, \$15 plus new unwrapped toy
www.christianclassicscruisers.com
Precinct Line Rd @ Mid-Cities Blvd.
817-521-4944 Rain Date Oct 27th

CALL 817.332.3333 & Place Your Ad NOW

auto/class and specialty

NO HASSLE PRICING ON:

Honda Certified Used Cars
817-803-9560

HugginsHonda.com

auto parts/service

Rebuilt 250 Chevy engine, access. all new, \$1100. final 940-399-7859

SUVs

Chevy Suburban 2017 4WD 1500 LT silver, 49490 mi, \$37991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22789

Chevy Tahoe 2017 2WD 4dr LT black, 30174 miles, \$41500. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22826

Chevy Tahoe 2018 2WD 4dr LT gray 28960 miles, \$43991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22798

Chevy Traverse 2018 4dr FWD Premier 1LZ 10078mi \$39991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #V396614A

Jeep Grand Cherokee 1998, 140K, loaded, xcond \$1650. 817-317-1778

JEEP PATRIOT 2016 Sport 5dr auto loaded 59K \$7950. 817-918-0985

JEEP PATRIOT 2016 Sport 5dr auto loaded 59K \$7950. 817-918-0985

Jeep Renegade 2016 FWD 4dr Latitude, red 20352 mi, \$16500. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22772

Nissan Xterra 2012 80134 miles \$15991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #H165051A

Subaru Forester 2007 5dr auto loaded 100K \$4500. 817-918-0985

Subaru Forester 2007 5dr auto loaded 100K \$4500. 817-918-0985

trucks & vans

2003 FORD EXPLORER SPORT TRAC XLS Tan/Tan 1 Owner Vehicle XLS/XLT VIN: 1FMZU67E43UB58432 4D 4.0L V6 EFI, 83,000 miles, \$5,500 caseyjeanpenn@gmail.com, 817-789-5316

Chev Silverado 1500 2015 4wdcrew cab 153.0" red 50501mi \$26900. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #V477595A

Dodge Ram 1500 2017 SLT 4x2 crew cab 6'4 silver 16467mi \$25991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #P22787A

Dodge Ram 2017 Quad Cab V6 SLT Flex fuel, 24,838mi, \$21,500. 817-715-7785

FORD F150 2008 Super cab sport, sharp, Xtra clean, brand new goodyears \$7250obo. 817-823-4112

Ford F-150 2013 Supercrew 4x2 black 69246miles, \$24,991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #V498128A

GMC YUKON XL 2007 5dr auto loaded 95K \$7000. 817-918-0985

Toyota Rav4 2014 AWD 4dr Limited red 51383miles, \$17991. Limited Lifetime Powertrain Warr. Call Now 817696-2211 #V105392A

trucks & vans

VANDERGRIFT TOYOTA IN ARLINGTON

OVER 200 PRE-OWNED VEHICLES IN STOCK!

ACROSS FROM THE PARKS MALL (EXIT I-20 & COOPER)

817-299-6102
WWW.VANDERGRIFTTOYOTA.COM

misc. automotive

CLASSIC CHEVROLET RELAX...AND ENJOY THE DIFFERENCE.

817-410-6150
GRAPEVINE, TX
CLASSICCHEVYPREOWNED.COM

recreation

camping/motorhomes

AIRSTREAM of DFW

NOW OPEN!

All Indoor Airstream Facility
Sales - Service
Parts - Accessories
817-882-6610
109 N. Chandler Dr.
AirstreamDFW.com

KennedaleCamperSales.com
BUY • SELL • TRADE
RECREATIONAL VEHICLES
150 USED RV'S
5th Whls, Travel Trlrs, Motor Homes
817-478-6071

hunting & supplies

3 DAY Deer Hunts, Bridgeport, TX area. Feeders & blinds, wheat field. 254-631-7314

trailers

NOMAD TRAILER - 99, 24.5' 5th Wheel, \$7600 817-249-6460

WE BUY RV's

Vogt RV Centers

817-831-4222
5624 Airport Fwy.
VogtRV.com

employment

general labor

SECURITY OFFICERS
PATROL OFFICERS
NEEDED IMMEDIATELY

No exp. nec, we will train. Pay DOE. Flex hrs & days. Apply 10-3, Mon-Fri, 2551 E. Loop 820 N. Ft Worth, 817-589-1586

STAR-TELEGRAM CLASSIFIEDS. Hire, Sell & Buy

misc employment

situations/employment wanted

I AM a Caregiver with 15 yrs exp. Live in. I am cert in CPR Also Certified Medical Asst. Looking for Part or Full time 940-366-8106

NURSES AIDE home health caregiver. 20 yrs exp. Full time. 24 hr shift. Day/night. Call 817-528-1616.

Senior Man looking for perm. personable driver for Dr. appts, church, etc. Need to be dependent, respectable, willing to drive in Mansfield area, reliable car & ins. Must be avail. upon request. Pay monthly 817468-3832 Call 8a-9p, lv msg. Mr. Ryder

legals classified

legals & public notices

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT PROPOSED PERMIT NO. WQ0015722001

APPLICATION. SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015722001 (EPA I.D. No. TX0138754) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 9,500-gallons per day. The domestic wastewater treatment facility is located at 13241 Harmon Road, Fort Worth, in Tarrant County, Texas 76177. The discharge route is from the plant site to an unnamed tributary, thence to Buffalo Creek, thence to Henrietta Creek, thence to Denton Creek, thence to Grapevine Lake. TCEQ received this application on August 30, 2018. The permit application is available for viewing and copying at Haslet Public Library, 100 Gammon Street, Haslet, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.941388&lng=-97.323888&z=13&type=r>

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, if 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 countywide 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.

legals & public notices

tions 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; a list of all disputed issues of fact that you submit during the comment period 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 by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

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's Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <http://www.w14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea informacion en español, pue delamar al 1-800-687-4040.

CALL 817.332.3333 & Place Your Ad NOW

legals & public notices

Further information may also be obtained from SigmaPro Properties, LLC at the address stated above or by calling Mr. Robert Berman at 682-888-1239. Issuance Date: October 8, 2018

NOTICE TO BIDDERS

BID # 008-18
Sealed bids will be received at the City of Euless Purchasing Agent's Office, 201 N. Ector Drive, Fire Administration Building, Euless, Texas 76039, no later than 2:00 P.M. on November 7, 2018, and then opened and publicly read at 2:15 P.M. in the Fuller Conference Room in the Planning and Engineering Building located at 201 North Ector Drive, Euless, Texas for the construction of Euless Reclaimed Waterline Extension Phase 3.

- The project includes:
- 1) Installation of two new reclaimed water pumps including pump control and SCADA;
 - 2) Installation of sand filtration system;
 - 3) Installation of approximately 3,310 linear feet of 12-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances;
 - 4) Installation of approximately 1,200 linear feet of 8-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances;
 - 5) Installation of approximately 11,500 linear feet of 6-inch pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances;
 - 6) Installation of approximately 7,140 linear feet of 4-inch and smaller pipe by open cut and non-open cut methods of construction with inline valves, air release valves, connections, and appurtenances;
 - 7) Connection to 30-irrigation meters and relocation of 10 meters;
 - 8) Installation of meter on existing 12-inch PVC pipe of RW from Fort Worth.

Plans, specifications, and other contract documents will be available at www.CivCastUSA.com. Bidders must register on this website in order to view and/or download specifications and plans for this project. There is NO charge to view or download documents. If there are any questions concerning the specifications, or other bid documents or any part thereof, questions must be submitted by November 1, 2018 at 2:00 P.M. through the www.CivCastUSA.com Q&A portal.

An optional Pre-Bid meeting will be held at 2:00 P.M., Wednesday, October 31, 2018, in the "Building C Conference Room" in the Planning and Engineering Building located at 201 N. Ector Drive, Euless, Texas 76039. The original copy of the bid proposal must be submitted with "BID #008-18" clearly marked on the exterior of the bid package. Any bid received after closing time will be returned unopened.

The contract for the project is contingent upon release of funds from the Texas Water Development Board (TWDB). Any contract or contracts awarded under this Request for Proposal (RFP) are expected to be funded in part by financial assistance from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFP, or any resulting contract. This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/DBE

CATEGORY	MBE	WBE
Construction	9.17%	19.44%
Equipment	16.28%	11.45%

Exhibit No. “4”

**Publisher’s Affidavit from *Fort Worth Star Telegram*
dated January 26, 2019**

TCEQ - Office of the Chief Clerk
MC-105 Attn: Notice Team
PO Box 13087
Austin TX 78711-3087

Applicant Name: SIGMAPRO PROPERTIES LLC

Permit Number: WQ0015722001

CID Item No. 113296

COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF
APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR WATER QUALITY PERMITS

STATE OF TEXAS

COUNTY OF: Tarrant

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

Christine Lopez, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the

Legal Rep
(title of person representing newspaper)

of the Ft Worth Star Telegram; that this newspaper is a
(name of newspaper)

newspaper of largest circulation in Tarrant County, Texas,
(name of county)

or is a newspaper of general circulation in Ft Worth, Texas
(name of municipality)

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

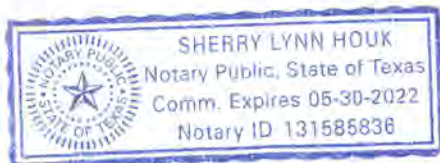
SAT Jan 26, 2014
(date or dates, of publication in the newspaper)

[Signature]
Newspaper Representative's Signature

Subscribed and sworn to before me this the 29 day of January,

20 19, to certify which witness my hand and seal of office.

(Seal)



Sherry Lynn Houk
Notary Public in and for the State of Texas

Sherry Lynn Houk
Print or Type Name of Notary Public

My Commission Expires 5-30-2022

**COMBINED
NOTICE OF RECEIPT
OF APPLICATION AND
INTENT TO OBTAIN WATER
QUALITY PERMIT (NORI)
AND
NOTICE OF APPLICATION AND
PRELIMINARY DECISION
FOR TPDES PERMIT FOR
MUNICIPAL WASTEWATER
NEW**

PERMIT NO. WQ0015722001
**APPLICATION AND PRELIMINARY
DECISION.** SigmaPro Properties,
LLC, 13241 Harmon Road, Fort
Worth, Texas 76177, has applied to
the Texas Commission on En-
vironmental Quality (TCEQ) for
new Texas Pollutant Discharge
Elimination System (TPDES)
Permit No. WQ0015722001, to
authorize the discharge of
treated domestic wastewater at
a daily average flow not to ex-
ceed 9,500 gallons per day.
TCEQ received this application
on August 30, 2018.

This combined notice is being is-
sued to correct the discharge
route description stated in the
original NORI, which omitted
Elizabeth Creek from the de-
scription.

The facility will be located at
13241 Harmon Road, in Tarrant
County, Texas 76177. The treat-
ed effluent will be discharged to
an unnamed tributary; thence to
Buffalo Creek; thence to Hen-
rietta Creek; thence to Elizabeth
Creek; thence to Denton Creek;
thence to Grapevine Lake in
Segment No. 0826 of the Trinity
River Basin. The unclassified re-
ceiving water uses are limited
aquatic life use for both the un-
named tributary and Buffalo
Creek. The designated uses for
Segment No. 0826 are high
aquatic life use, public water
supply, and primary contact re-
creation. In accordance with 30
Texas Administrative Code Sec-
tion 70.5 and the TCEQ's Pro-
cedures to Implement the Texas
Surface Water Quality Stand-
ards (June 2010), an
antidegradation review of the
receiving waters was per-
formed. A Tier 1
antidegradation review has pre-
liminarily determined that ex-
isting water quality uses will
not be impaired by this permit
action. Numerical and narrative
criteria to protect existing uses
will be maintained. This review
has preliminarily determined
that no water bodies with ex-
ceptional, high, or intermediate
aquatic life uses are present
within the stream reach as-
sessed; therefore, no Tier 2 de-
gradation determination is re-
quired. No significant degrada-
tion of water quality is expected
in water bodies with exception-
al, high, or intermediate aquatic
life uses downstream, and ex-
isting uses will be maintained
and protected. The preliminary
determination can be reex-
amined and may be modified if
new information is received.
This link to an electronic map of
the site or facility's general lo-
cation is provided as a public
courtesy and is not part of the
application or notice. For the
exact location, refer to the ap-
plication.

[http://www.tceq.texas.gov/assets/
public/hb610/index.html?lat=32.941388&lng=-
97.323888&zoom=13&type=r](http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.941388&lng=-97.323888&zoom=13&type=r)

The TCEQ Executive Director has
completed the technical review
of the application and prepared
a draft permit. The draft per-
mit, if approved, would estab-
lish the conditions under which
the facility must operate. The
Executive Director has made a
preliminary decision that this
permit, if issued, meets all sta-
tutory and regulatory require-
ments. The permit application,
Executive Director's preliminary

application and request to the
TCEQ Commissioners for their
consideration at a scheduled
Commission meeting.

MAILING LIST. If you submit public
comments, a request for a con-
tested case hearing or a recon-
sideration of the Executive Di-
rector'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 appli-
cant 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 Of-
fice of the Chief Clerk at the ad-
dress below.

**All written public comments and
public meeting requests must
be submitted to the Office of
the Chief Clerk, MC 105, Texas
Commission on Environmental
Quality, P.O. Box 13087, Austin,
TX 78711-3087 or electronically
at [www.tceq.texas.gov/about/c
omments.html](http://www.tceq.texas.gov/about/comments.html) within 30 days
from the date of newspaper
publication of this notice.**

**INFORMATION AVAILABLE ON-
LINE.** For details about the sta-
tus of the application, visit the
Commissioners' Integrated Da-
tabase at [www.tceq.texas.gov/
goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database
using the permit number for
this application, which is provid-
ed at the top of this notice.

**AGENCY CONTACTS AND INFOR-
MATION.** Public comments and
requests must be submitted ei-
ther electronically at [www.tceq.
texas.gov/about/comments.htm](http://www.tceq.texas.gov/about/comments.htm)
l, or in writing to the Texas
Commission on Environmental
Quality, Office of the Chief
Clerk, MC-105, P.O. Box 13087,
Austin, Texas 78711-3087. Any
personal information you submit
to the TCEQ will become part of
the agency's record; this in-
cludes email addresses. For
more information about this
permit application or the per-
mitting process, please call the
TCEQ Public Education Program,
Toll Free, at 1-800-687-4040 or
visit their website at [www.tceq.
texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea
informacion en Espanol, puede
llamar al 1-800-687-4040.

Further information may also be
obtained from SigmaPro Prop-
erties, LLC at the address stated
above or by calling Mr. Robert
Berman at 682-888-1239.

Issuance Date

Gracon Construction, Inc. is bidding
as a General
Contractor on City of Fort
Worth North Holly Water Treat-
ment Plant Sedimentation Basin
Sludge Removal System Re-
placement - Project #02328 Bid
Date: February 7, 2019 Bid
Time: 1:30PM CST

We would appreciate talking with
you regarding the possibility of
your company being a minority
or women owned business
(MB/WBE) or Historically
Underutilized Business (HUB)
sub-contractor or material sup-
plier on this project. Plans and
specifications are located at:
Fort Worth web site [http://fort
worthtexas.gov/tpw/contractor/s/](http://fortworthtexas.gov/tpw/contractor/s/)
(scroll down to the bottom of
the page and click on the project
number or www.gracon.biz .
If you are interested and would
like further information, please
contact us at this office at 972-
222-8533 as soon as possible

Public Auction of Items Left by
Tenant: Monday, February 4, 2019
at 2:00pm 6501 S. Cooper St
#101C, Arlington, TX 76001

**STAR-TELEGRAM
CLASSIFIEDS.
Hire, Sell & Buy**

032-15, Section 12. C. Side Yard
Requirements in the "SF-2" Sin-
gle Family Residential district
on Lot 4, Block 8 of the Earles
Addition, locally known as 2966
Layton Avenue.

ZBA-004-19 Application
of Yolanda Torres for a special
exception for a front yard car-
port in accordance with Zoning
Ordinance O-2002-032-15, Sec-
tion 35. H., in the "SF-2" Sin-
gle Family district on Lot 7, Block
12 of the Tri-Country Estate 1st
Fill Addition, locally known as
5724 Marlene Drive.

For more information on this Legal
Notice, please contact the Plan-
ning and Community Develop-
ment Department at 817-222-
7757.

Signed this 25th Day of January,
2019.

Art Camacho, City Secretary
Art Camacho, City Secretary

NOTICE TO BIDDERS

Sealed Bids addressed to the Pur-
chasing Manager of the City of
Euless, 201 North Ector Drive,
Euless, Texas, 76039-3595, for:
BID #006-19.

**ANNUAL CONTRACT FOR
GROUNDS MAINTENANCE,**
as per specifications, will be re-
ceived at the office of the City
Purchasing Manager until 2:00
P.M., Tuesday, February 12th,
2019 at which time Bids will be
opened and read aloud. A pre-
bid conference will be held at
10:00 a.m. on Tuesday, February
5th in the purchasing confer-
ence room, 201 N. Ector Drive,
Fire Administration Building.

Bid documents may be obtained at
the office of the Purchasing
Manager located at 201 N. Ector
Drive Building D, Euless, Texas
76039 beginning Monday, Janu-
ary 28th, 2019.

"The City of Euless reserves the
right to reject any and all bids
and waive informalities.
/s/Loretta Getchell, City
Manager."

NOTICE TO BIDDERS

Sealed Bids addressed to the Pur-
chasing Manager of the City of
Euless, 201 North Ector Drive,
Euless, Texas, 76039-3595, for:
the purchase of: BID #005-19,
Golf Course Fertilizer and Chem-
icals, as per specifications, will
be received at the office of the
City Purchasing Manager until
2:00 P.M., Monday, February
4th, 2019 at which time Bids
will be opened and read aloud.
Bid documents may be obtained at
the office of the Purchasing
Manager located at 201 N. Ector
Drive Building D, Euless, Texas
76039 beginning Monday, Janu-
ary 21st, 2019.

"The City of Euless reserves the
right to reject any and all bids
and waive informalities.
/s/Loretta Getchell, City
Manager."

NOTICE

**TO THE REGISTERED OWNERS
AND/OR LIENHOLDERS OF THE
FOLLOWING DESCRIBED MO-
TOR VEHICLES SCHEDULED TO
BE AT THE NEXT ASSIGNED
PUBLIC AUCTION.**

YEAR	MAKE	M O D E L
	VIN NUMBER	
2008	ACURA	4 D R JH4CL96828C005974
2009	ACURA	4 D R 5J8TB182X9A004391
2010	ACURA	4 D R JH4CU2F60AC041851
2001	BMW	4 D R WBADT63471CF02191
2001	BMW	4 D R WBAAV53401FK45796
1997	BMW	2 D R 4USCH7320VLE04902
2003	BMW	4 D R WBAGN63463DR15155
2001	BMW	4 D R WBAFB33501LH20864
2005	CADILLAC	4 D R 1G6DW677350130399
1998	CADILLAC	4 D R 1G6KF5497WU787630
2007	C H E V R O L E T	

legals & public notices

decision, and draft permit are available for viewing and copying at Haslet Public Library, 100 Gammill Street, Haslet, Texas. **PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds 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 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 a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a 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; a list of all disputed issues of fact that you submit during the comment period; 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 by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

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.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/about/comments.html within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/about/comments.html or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program,

legals & public notices

LEGAL NOTICE

Notice is hereby given that the Haltom City Planning & Zoning Commission will hold a public hearing on February 12, 2019 in the Council Chambers at 7:00 p.m., at 5024 Broadway Avenue, Haltom City, Texas to consider the following:

Z-008-18 Application of, John Pitstick, on Behalf of Our Country Homes for a Zoning Change request from "M-1" Industrial to "PD-Residential Mixed" consisting of four different zoning districts being "PD-SF-1" Residential being approximately 6.55 acres, "PD-SF-2" Residential being approximately 16.26 acres, "PD-SFA" Residential being approximately 15.57 acres, "PD-OS" Open Space being approximately 3.68 acres for a total of approximately 42.06 acres of land on Lot A of the Springlake Industrial Park Addition, locally known as 5100 Springlake Parkway.

Z-002-19 Application of Mike French for a Zoning Change request from "C-3" Commercial to "PD-C-3" Commercial for all "C-3" uses plus Rental Yard (Commercial and Heavy Equipment w/Outside Storage), Sheet Metal Shop and Office Warehouse located on Lot 1R2, Block 1, Denton Highway, locally known as 6001 Denton Highway. Notice is also hereby given that the City Council will hold a public hearing on February 25, 2019 in the Council Chambers at 7:00PM at 5024 Broadway Avenue, Haltom City, Texas to consider the same above.

Signed this 25th day of January, 2019.
Art Camacho, City Secretary

LEGAL NOTICE

Notice is hereby given that the Sign Board of Appeals for the City of Haltom City, Texas will hold Public Hearings beginning at 5:30 p.m. on February 12, 2019 in the City Council Chambers at City Hall, 5024 Broadway Avenue, Haltom City, Texas to consider:

SBA-001-19 Application of Geoffrey Gibbons, with Signs Manufacturing, for consideration of a variance to allow for monument sign to exceed the maximum sign area of 35 square feet and for an electronic message center sign in accordance with Sign Ordinance O-2006-009-15, Section 82-5, b. 4, e. 2. (a) & 82-5, b. 4, e. 4 on Lot 2R, Block 1 of the Highway 377 Business Park, locally known as 5411 Denton Highway. Signed this 25th day of January, 2019.

Art Camacho, City Secretary

LEGAL NOTICE

Notice is hereby given that the Zoning Board of Adjustment of the City of Haltom City, Texas will hold a Public Hearing beginning at 5:30PM on February 12, 2019 in the City Council Chambers at City Hall, 5024 Broadway Avenue, Haltom City, Texas to consider:

ZBA-001-19 Application of Charles Clawson, on behalf of David Dang, for a variance to Zoning Ordinance O-2002-032-15, Section 21. H. Area Requirements, regarding the minimum front yard setback for a through lot allowed in the "C-3" Commercial district on Lot 2, Block 1 of the J.W. Akers, 1999 Addition, locally known as 5302 East Belknap Street.

ZBA-02-19 Application of Brian Nelson, on behalf of IDEA Charter Schools, for a variance to Zoning Ordinance O-2002-032-15, Section 33 E. 2. b. Residential Decorative Fence Requirements in the "SF-1" & "SF-2" Residential district on Lot 1, Block A of the Idea Public Schools Addition, locally known as 1900 Thomas Road.

ZBA-003-19 Application of Ricardo Castro for a variance to Zoning Ordinance O-2002-032-15, Section 12. C. Side Yard Requirements in the "SF-2" Single Family Residential district on Lot 4, Block 8 of the Earles Addition, locally known as 2966 Layton Avenue.

ZBA-004-19 Application of Yolanda Torres for a special exception for a front yard carport in accordance with Zoning Ordinance O-2002-032-15, Section 35, H. in the "SF-2" Single Family district on Lot 7, Block 12 of the Tri-Country Estate 1st Fil Addition, locally known as 5724 Marlene Drive.

For more information on this Legal Notice, please contact the Planning and Community Development Department at 817-222-7757.

Signed this 25th Day of January, 2019.

Art Camacho, City Secretary
Art Camacho, City Secretary

NOTICE TO BIDDERS

Sealed Bids addressed to the Purchasing Manager of the City of Euless, 201 North Ector Drive, Euless, Texas, 76039-3595, for: BID #006-19,

ANNUAL CONTRACT FOR GROUNDS MAINTENANCE, as per specifications, will be received at the office of the City Purchasing Manager until 2:00 P.M., Tuesday, February 12th, 2019 at which time Bids will be opened and read aloud. A pre-bid conference will be held at 10:00 a.m. on Tuesday, February 5th in the purchasing conference room, 201 N. Ector Drive, Fire Administration Building. Bid documents may be obtained at the office of the Purchasing Manager located at 201 N. Ector Drive Building D, Euless, Texas 76039 beginning Monday, January 28th, 2019.

"The City of Euless reserves the right to reject any and all bids and waive informalities." /s/Loretta Getchell, City Manager."

NOTICE TO BIDDERS

Sealed Bids addressed to the Purchasing Manager of the City of Euless, 201 North Ector Drive, Euless, Texas, 76039-3595, for:

other

MIKES GARDEN CENTERS

NOW HIRING!!
FT or PT. No exp needed. We train. If you like plants this would be a good job for you. 5703 Crowley Rd., FTW 76134, 555 E. Hwy 114, Southlake, 76092

misc employment

misc. employment

CAREGIVER NEEDED - For Elderly Lady in Granbury. 817-243-0272

situations/employment wanted

Good Quality in home care for elderly loved ones. 817-925-1867

Grandmother wanting to watch 2 children in her home. Saginaw/Haslet area. Becky 817-937-0569

legals classified

legals & public notices

CITY OF EULESS.
ORDINANCE NO. 2213
AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIFIC USE PERMIT ON APPROXIMATELY 2.11 ACRES OF THE WESTPARK CENTRAL ADDITION, BLOCK 2, LOTS 2R2, 4R2 AND PORTION OF LOT 3R3A FOR A CARWASH, PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING A PENALTY FOR VIOLATION, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER, AND PROVIDING AN EFFECTIVE DATE.

SECTION 3.
PENALTY FOR VIOLATION. Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 4.
PUBLICATION CLAUSE. The City Secretary of the City of Euless is hereby directed to publish in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 5.
EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on January 22, 2019, by a vote of 7 ayes, 0 nays, and 0 abstentions.

CITY OF FORT WORTH.
ON-LINE AUCTION OF DOWNTOWN PUSHCART (FOOD) VENDING LOCATIONS.

The City of Fort Worth is auctioning off the exclusive right to sell food and beverages from approved and permitted pushcarts at six (6) downtown pushcart vending locations. The auction will be conducted by Lone Star Auctioneers, Inc. The on-line bidding is scheduled to start on January 22, 2019 at 10:00 am and will begin closing at 10:00 am on Tuesday January 29, 2019. Each of the six (6) sites will close at a designated time and there will be 30 minutes between each closure. All interested parties must meet the minimum qualifications prior to the auction proceedings - see details regarding this and other requirements at: www.LoneStarAuctioneers.com (Burgess 7878) or by contacting Andria Ellis with the City's Consumer Health Division at (817) 392-6991.

COMBINED NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT (NORI) AND NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW

PERMIT NO. WQ0015722001 APPLICATION AND PRELIMINARY DECISION. SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015722001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 9,500 gallons per day. TCEQ received this application on August 30, 2018.

This combined notice is being issued to correct the discharge route description stated in the original NORI, which omitted Elizabeth Creek from the description.

The facility will be located at 13241 Harmon Road, in Tarrant County, Texas 76177. The treated effluent will be discharged to an unnamed tributary; thence to Buffalo Creek; thence to Henrietta Creek; thence to Elizabeth Creek; thence to Denton Creek; thence to Grapevine Lake in Segment No. 0826 of the Trinity River Basin. The unclassified receiving water uses are limited aquatic life use for both the unnamed tributary and Buffalo Creek. The designated uses for Segment No. 0826 are high aquatic life use, public water supply, and primary contact recreation. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an anti-degradation review of the

Exhibit No. “5”

**Publisher’s Affidavit from *La Estrella*
dated October 20, 2018**

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

Applicant Name: SigmaPro Properties, LLC
Permit No.: WQ0015722001

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

STATE OF TEXAS §
COUNTY OF Tarrant §

Before me, the undersigned authority, on this day personally appeared
Christine Lopez who being by me duly sworn, deposes
(name of person representing newspaper)

and says that (s)he is the Legal Coordinator
(title of person representing newspaper)

of the La Estrella; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in Tarrant County, Texas or is
(name of county)

a newspaper of general circulation in Fort Worth,
(name of municipality)

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

10/20/18

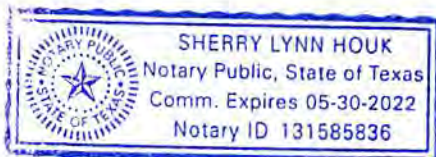
C Lopez
(newspaper representative's signature)

Subscribed and sworn to before me this the 8 day of, November
2018

(Seal)

Sherry Lynn Houk
Notary Public in and for the State of Texas
Sherry Lynn Houk
Print or Type Name of Notary Public

My Commission Expires 5-30-2022



VIENE DE LA IA CASA

conocer para lo que estamos preparados, va a ser un partido primordial, Kansas siempre ha estado allí, pero lo que hacen los partidos son los goles así que poner en el campo lo que mejoramos en las prácticas, como tratar de pasársela al compañero que está mejor ubicado para hacer el gol", dijo Michael Barrios que si bien tiene ambición de convertir pero en su mente el equipo está primero.

Asimismo, el colombiano hizo hincapié en la importancia del partido de este domingo por las posiciones de playoffs. "Sabemos que llegamos descansados a la semifinal, eso es importante. Pero en estos momentos, ya clasificados a playoffs, tenemos que

pensar en el partido con Kansas y luego Colorado para ver las posiciones finales", dijo.

Para Maxi Urruti, quien ha ido de delantero a mediocampista de ataque y viceversa, este domingo se debe sacar los tres puntos sin vuelta que dar. "Sacar los tres puntos para estar más tranquilos arriba. Saber lo que viene es lo más importante, cambiar la página de lo que pasó el último fin de semana y con Kansas hay que ir con todo porque estamos en nuestra casa y queremos darle una alegría a esa hinchada que siempre vino a apoyarnos, el partido va a ser duro, pero sabemos que podemos ganarlo", aseguró el argentino.

El mismo pensamiento tiene su compañero Reto Ziegler quien en su primer año de jugar en la MLS disfrutará de postemporada.



Michael Barrios, pieza fundamental del FC Dallas.

El partido del domingo es la meta inmediata y analizando lo que pasó en Washington dijo que "hubo oportunidades pero hay que afrontar la derrota y demostrar que somos un cuadro ganador".

Sobre el partido del

domingo dijo que esta será una nueva historia, los otros partidos han quedado atrás y ahora tenemos diferente enfoque y nosotros controlamos nuestro destino.

"Será como una final", aseguró.

A pesar de haber perdido su último partido, el trabajo del mediocampista Víctor Ulloa superó al del resto en su posición y fue elegido en la oncenava de la semana 33 de la MLS.

El próximo partido del FC Dallas será el domingo 28 de octubre contra Colorado Rapids. El encuentro está programado para las 3:30 p.m. para realizarse en el Dick's Sporting Goods Park.

FC Dallas vs. Sporting Kansas City FC

Domingo, 21
Toyota Stadium 4 p.m.
TXA 21, ESPN+
FCDallas.com/Radio
1270 am (Español)

FROM PAGE 1A BUG

present in Tarrant County. Tarrant County Public Health has found 225 mosquitoes with the virus out of 4,345 tested. A recent discovery of West Nile in mosquitoes in Northwest Tarrant County has prompted the department to plan a spray Saturday night.

Tarrant County Public Health and the city test for West Nile in a partnership with the University of

North Texas Health Science Center.

In Fort Worth, the city has sprayed three weeks in a row in targeted areas because of the high population of the pest. Spraying alone won't be enough, Depaula said. He encouraged residents to avoid being outside for long periods at dusk and dawn or to wear long sleeves, pants and use repellent with DEET.

"You can spray until the cows come home, but there's still going to be a chance mosquitoes are around," he said.

El Herald
de la Ciencia Cristiana

La Ranchera 106.7 FM
todos los domingos
de 7:30 a 8:00am

Para sentirse
seguro en todo
momento

(Feeling safe at all times)

www.elheraldocc.com
214-447-9679 • 817-259-1647

CLASSIFIED
817-332-3333
Call for more information
www.classified.com

employment

engineering

PRINCIPAL PROJECT ENGINEER AND TRANSPORTATION PLANNER

The Transportation Department of the North Central Texas Council of Governments is seeking a Principal Project Engineer in Streamlined Project Delivery and Data Management and a Transportation Planner III in Roadway Corridor and Subarea Studies. Persons seeking more information or wishing to apply should go to <https://mycogcareer.slikroad.com/>.

EEO affirmative action employer

legals classified

legals & public notices

AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA PERMISO PROPUESTO NO. WQ000015722001

SOLICITUD: Sigma Pro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para el Permiso No. WQ000015722001 (EPA I.D. No. TX-0138754) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la descarga de aguas residuales tratadas en un volumen que no sobrepasa un flujo promedio diario de 9,500 galones por día. La planta está ubicada 13241 Harmon Road, Fort Worthen el Condado de Tarrant, Texas. La ruta de descarga es del sitio de la planta a un unnamed tributary; thence to Buffalo Creek; thence to Henrietta Creek; thence to Denton Creek; thence to Grapevine Lake. La TCEQ recibió esta solicitud el August 30, 2018. La solicitud para el permiso está en el Haslet Public Library, 100 Gornall Street, Haslet Texas. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

<http://www.tceq.texas.gov/assets/public/000015722001/000015722001.pdf>

AVISO ADICIONAL: El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitir una Decisión Preliminar sobre la solicitud. El aviso de la solicitud y la decisión preliminar serán publicados y enviados a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA: Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de la solicitud.

legals & public notices

Las cuestiones de hecho en disputa que usted presente durante el período de comentarios y la declaración de [Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado. Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que represente al grupo para recibir correspondencia en el futuro. Identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta, proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta, explicar cómo y por qué el miembro sería afectado y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión solo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia al tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.

LISTA DE CORREO: Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una de las listas de correos siguientes: (1) la lista de correo permanente para recibir los avisos de los solicitantes indicados por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes de un condado específico. Si desea que se agregue su nombre en una de las listas, designe la lista(s) y envíe por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

CONTACTOS E INFORMACIÓN A LA AGENCIA: Todos los comentarios públicos y solicitudes deben ser presentados electrónicamente a <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficina de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasará a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ gratis al 1-800-682-4040. Si desea información en Español, llame al 1-800-682-4040.

También se puede obtener información adicional del Sigma Pro Properties, LLC a la dirección indicada arriba o llamando a Mr.

legals & public notices

proyectos futuros y para el Distrito de TxDOT Fort Worth NCTCOG o también para recibir comentarios del público. El público tendrá la oportunidad de brindar comentarios y hacer recomendaciones sobre los proyectos y programas de transporte relacionados con los ciclistas.

Los comentarios se pueden presentar en la audiencia o por escrito dentro de los 15 días posteriores a la audiencia pública (con sello postal en mano antes del 14 de noviembre de 2018). Los comentarios por escrito no presentados en la audiencia deben enviarse por correo a TxDOT Fort Worth District, 7501 S.W. Loop 320, Fort Worth, Texas 76133, ATTN: Phil Hays, P.E.

La audiencia pública se llevará a cabo en inglés. Las personas interesadas en asistir a la audiencia que tienen necesidades especiales de comunicación o alojamiento o que necesitan un intérprete pueden contactar a la Oficina de Información Pública del Distrito de TxDOT en Fort Worth al (817) 570-6744. Las solicitudes deben hacerse al menos cinco días hábiles antes de la fecha de la audiencia pública. Se harán todos los esfuerzos razonables para satisfacer estas necesidades.

Las personas que tengan preguntas o inquietudes generales con respecto a los proyectos o programas de auditoría o transporte que puedan afectar el uso de la bicicleta pueden comunicarse con Phil Hays, P.E. en (817) 570-6591. Para ser agregado a la lista de correo de ciclistas interesados, o para obtener más información, envíe una solicitud a Phil Hays, P.E. por teléfono al (817) 570-6591 o por correo electrónico a Phil.Hays@txdot.gov. Todos los individuos cuyos nombres soliciten ser agregados a la lista de correo recibirán un aviso de las actividades de audiencias públicas relacionadas con la participación ambiental y pública para proyectos estatales que puedan afectar el uso de bicicletas.

Para más información: <https://www.txdot.gov/inside-traffic/active/about/hearing-meetings/dates/102918.html>

REQUEST FOR PROPOSALS

Electronics Console Cleaning Services

RFP # 2019-004

The North Central Texas Council of Governments (NCTCOG) / SHARE Purchasing Cooperative seeks an experienced firm to provide electronic communications console cleaning services. Proposal instructions are available by emailing cooper@nctcos.org. The proposals are due no later than 2:00 pm local time October 31, 2018.

REQUEST FOR PROPOSALS

Fort Worth, Waco, Temple, Killeen/Austin, San Antonio, Laredo High Speed Transportation Study

The North Central Texas Council of Governments (NCTCOG) is requesting consultant assistance for the Fort Worth, Waco, Temple, Killeen/Austin, San Antonio, Laredo High Speed Transportation Study. In late 2017, the Federal Railroad Administration published the Record of Decision (ROD) and Tier 1 Texas/Oklahoma Passenger Rail Study (TOPRS) Final Environmental Impact Statement (EIS). While this document did evaluate conventional, higher-speed, and high-speed passen-

TODOS LUCHAMOS CONTRA EL CÁNCER

Un Examen GRATIS Podría Salvar Su Vida. Llama 888.223.8620

PARA RECIBIR UN EXAMEN DE CÁNCER DEL COLON GRATUITO, DEBES:

- ☐ Tener entre 50 y 74 años de edad
- ☐ Tener no historial de cáncer colorectal o cirugías de colon
- ☐ Haberse no realizado ningún examen de excremento durante el último año o una colonoscopia en los últimos 10 años

Exámenes de cáncer de colon completamente patrocinados para personas que califican por Cancer Prevention and Research Institute of Texas (CPRIT)

MONCRIEF CANCER INSTITUTE
UTSouthwestern

MONCRIEF.COM/COLONSCREENING



TWO FOR TEXAS: GREAT MORTGAGE LOAN OPTIONS

The Texas State Affordable Housing Corporation's Home Sweet Texas and Homes for Texas Heroes programs: helping low and moderate income homebuyers with a new mortgage loan or refinance anywhere in Texas.

Low Interest Rate Loans with Down Payment Assistance (DPA) Grants

legals classified

legals & public notices

AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA PERMISO PROPUESTO NO WQ000015722001

SOLICITUD: SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177 ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para el propuesto Permiso No. WQ000015722001 (EPA I.D. No. TX-0138754) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizarla descarga de aguas residuales tratadas en un volumen que no sobrepasa un flujo promedio diario de 9,500 galones por día. La planta está ubicada 13241 Harmon Road, Fort Worth en el Condado de Tarrant, Texas. La ruta de descarga es por el río de la planta a un manantial tributario, thence to Buffalo Creek, thence to Henrietta Creek, thence to Denton Creek, thence to Grapevine Lake. La TCEQ recibió esta solicitud el August 30, 2018. La solicitud para el permiso está en Hanes Public Library, 1001 Gammill Street, Haslet, Texas. Este enlace a un mapa electrónico de la ubicación general del sitio de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

<https://www.tceq.texas.gov/assets/public/na610/index.html?lat=32.941388&lng=-97.323888&zoom=13&t=per>

AVISO ADICIONAL: El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitir una Decisión Preliminar sobre la solicitud. El aviso de la solicitud y la decisión preliminar serán publicados y enviados a los que están en la lista de correo de las personas a las que el condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso para la fecha límite para someter comentarios públicos.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA: Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO: Después del plazo para presentar comentarios públicos, el Director Ejecutivo a los comentarios apropiados y preparará una respuesta a todos los comentarios públicos esenciales, pertinentes o significativos. A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios de la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso. Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS: su nombre, dirección, número de teléfono, el nombre del solicitante y número del permiso, la ubicación y distancia de su propiedad/actividad con respecto a la instalación, una descripción específica de la forma como usted sería afectado adversamente por el sitio de una manera no común al público en general, una lista de todas

actividades propuestas, proveer la información que indique anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y por qué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes a propósito del grupo. Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración no para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión solo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.

LISTA DE CORREO: Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas de correo siguientes: (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas de correo, envíe su pedido a la Oficina del Secretario Principal de la TCEQ.

CONTACTOS E INFORMACIÓN A LA AGENCIA: Todos los comentarios públicos y solicitudes deben ser presentados electrónicamente a <http://www.tceq.texas.gov/eic/Comment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficina de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasará a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud del permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ gratis al 1-800-682-4040. Si desea información en Español, puede llamar al 1-800-682-4040.

También se puede obtener información adicional del Sigma Pro Properties, LLC a la dirección indicada arriba llamando a Mr. Robert Berman al 682-888-1233. Fecha de emisión: October 8, 2018.

DEPARTAMENTO DE TRANSPORTE DE TEXAS Aviso de Audiencia Pública del Distrito de Fort Worth

Políticas de Departamento que afectan el uso de bicicletas en el sistema de carreteras estatales. De acuerdo con el Título 43, Código Administrativo de Texas, §25.95, el Departamento de Transporte de Texas (TxDOT), Distrito de Fort Worth se está asociando con el Consejo de Gobiernos del Norte Central de Texas (NCTCOG) para ofrecer una audiencia pública sobre proyectos de transporte del distrito, propuestas y políticas que afectan el uso de bicicletas en el sistema de carreteras del estado. La audiencia pública se llevará a cabo en el Centro Cívico de la Ciudad de North Richland Hills, Grand Hall, 6000 Hawk Ave., North Richland Hills, Texas 76180 el lunes 29 de octubre de 2018, a partir de las 6:00 p.m. a 8:00 p.m.

La audiencia pública consistirá en una presentación de TxDOT y NCTCOG que comenzará a las 7:00 p.m. con una jornada de puertas abiertas antes y después de las presentaciones. Se mostrarán mapas, dibujos de caminos y fotografías para analizar el alojamiento de bicicletas existentes y planificadas dentro y fuera de la carretera dentro del área regional de Dallas / Fort Worth.

El objetivo de esta audiencia pública es proporcionar información sobre planes de bicicletas, políticas, programas y

2018. Las comentarios por escrito no presentados en la audiencia deben enviarse por correo a TxDOT, Fort Worth District, 2501 S.W. Loop 820, Fort Worth, Texas 76133. ATTN: Phil Hays, P.E.

La audiencia pública se llevará a cabo en inglés. Las personas interesadas en asistir a la audiencia que tienen necesidades especiales de comunicación o alojamiento o que necesitan un intérprete pueden contactar a la Oficina de Información Pública del Distrito de TxDOT en Fort Worth al (817) 370-6744. Las solicitudes deben hacerse al menos cinco días hábiles antes de la fecha de la audiencia pública. Se darán todos los esfuerzos razonables para satisfacer estas necesidades.

Las personas que tengan preguntas o inquietudes generales con respecto a los proyectos o proyectos de auditoría de transporte que puedan afectar el uso de la bicicleta pueden comunicarse con Phil Hays, P.E. en (817) 370-6552. Para ser agregado a la lista de correo de bicicletas interesados, organizaciones de bicicletas o personas que deseen enviar una solicitud a Phil Hays, P.E. por teléfono al (817) 370-6552 o por correo electrónico a Phil.Hays@txdot.gov. Todos los individuos y grupos que soliciten ser agregados a la lista de correo recibirán un aviso de las actividades de audiencias públicas relacionadas con la participación ambiental y pública para proyectos estatales que puedan afectar el uso de la bicicleta.

Para más información: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings/dallas/102918.html>

REQUEST FOR PROPOSALS For Electronics Console Cleaning Services RFP # 2019-004

The North Central Texas Council of Governments (NCTCOG), SHARE Purchasing Cooperative seeks an experienced firm to provide electronics communications consoles/cleaning services. Proposal instructions are available by emailing doerndorfer@nctcog.org. The proposals are due no later than 2:00 pm local time October 31, 2018.

REQUEST FOR PROPOSALS For

Fort Worth, Waco, Temple, Killeen/Austin, San Antonio, Laredo, High Speed Transportation Study.

The North Central Texas Council of Governments (NCTCOG) is requesting consultant assistance for the Fort Worth, Waco, Temple, Killeen/Austin, San Antonio, Laredo, High Speed Transportation Study. In late 2017, the Federal Railroad Administration published the Record of Decision (ROD) and Tier 1 Texas/Oklahoma Passenger Rail Study (TOPRS) Final Environmental Impact Statement (EIS). While this document did evaluate conventional, higher speed, and high speed passenger train alignments, the document focused on service and operations and broadly addressed corridor issues and alternatives. The document did not consider emerging modes or technologies. Prior to building high speed passenger service, Tier 2 project-level National Environmental Policy Act (NEPA) evaluations are needed to analyze site-specific projects to help expedite future Tier 2 project-level NEPA documents. The purpose of this study is to evaluate technology options, identify potential station locations, and prepare a set of alternative recommendations for service from Fort Worth to Laredo.

Proposals must be received no later than 4:00 pm Central Standard Time on Friday, November 16, 2018, to Kevin Felts, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on Friday, October 19, 2018.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

STAR-TELEGRAM CLASSIFIEDS.

Hire, Sell & Buy

PARA RECIBIR UN EXAMEN DE CÁNCER DEL COLON GRATUITO, DEBES:

- ☐ Tener entre 50 y 74 años de edad
- ☐ Tener no historial de cáncer colorectal o cirugías de colon
- ☐ Haberse no realizado ningún examen de excremento durante el último año o una colonoscopia en los últimos 10 años



Exámenes de cáncer de colon completamente patrocinados para personas que califican por Cancer Prevention and Research Institute of Texas (CPRIT)

UTSouthwestern

MONCRIEF.COM/COLONSCREENING



TWO FOR TEXAS: GREAT MORTGAGE LOAN OPTIONS

The Texas State Affordable Housing Corporation's Home Sweet Texas and Homes for Texas Heroes programs helping low and moderate income homebuyers with a new mortgage loan or refinance anywhere in Texas.

Low Interest Rate Loans with Down Payment Assistance (DPA) Grants

- DPA is a gift and never needs to be repaid
- Several rate, loan and DPA options available

Mortgage Credit Certificates (MCC)

- Get up to \$2,000 every year as a special tax credit
- Can be used with TSAHC's DPA
- Consult a tax advisor



Origin Bank
Home Lending

www.Origin.bank/BuyAHome.TX

Origin Bank NMLS# 455490

MEMBER FDIC



Equal Opportunity Lender. Equal Housing Opportunity. Equal Credit Opportunity. Equal Housing Lender.

Exhibit No. “6”

**Publisher’s Affidavit from *La Estrella*
dated February 9, 2019**

TCEQ - Office of the Chief Clerk
MC-105 Attn: Notice Team
PO Box 13087
Austin TX 78711-3087

Applicant Name: SIGMAPRO PROPERTIES LLC
Permit Number: WQ0015722001 CID Item No. 113296
COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF
APPLICATION AND PRELIMINARY DECISION

ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF: Tarrant §

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

Christina Lopez

(name of person representing newspaper)

sworn, deposes and says that (s)he is the

legal rep

(title of person representing newspaper)

of the

La Estrella

(name of newspaper)

circulated in

Tarrant

(same county as proposed facility)

County, Texas and is published primarily in

Spanish

(alternative language)

language; the attached notice was published in

said newspaper on the following date(s):

SAT Feb 9 2019

(date or dates of publication)

[Signature]

Newspaper Representative's Signature

Subscribed and sworn to before me this the

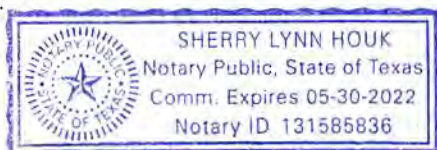
20th

day of

February

20 19, to certify which witness my hand and seal of office.

(Seal)



Sherry Lynn Houk
Notary Public in and for the State of Texas

Sherry Lynn Houk
Print or Type Name of Notary Public

My Commission Expires

5-30-22

Esta invitado!

ÓN ABIERTA

enlace con I-820

Azle Avenue hasta Biway Street

Cahoba Drive hasta Marine Creek Parkway

OMPÑENOS

9 de febrero, 2019

m. – 7:30 p.m.

ría de la escuela
orth High School

Boat Club Road
orth, Texas 76135

asporte de Texas necesita su aportación
del enlace SH199 con I-820. La meta
movilidad, capacidad, seguridad y
asporte.

ños del proyecto propuesto y hablar
o para responder sus preguntas. La
ato de sesión abierta, permitiendo a los
acuerdo con su disponibilidad.

comentarios o requiere comunicación
s, como intérprete, por favor

ject Manager



2501 SW Loop 820
Fort Worth, TX 76133

otras acciones requeridas por las leyes federales
yecto son o han sido llevadas a cabo por el TxDOT de
memorando de entendimiento con fecha 16 de
por FHWA y TxDOT.



AVISO COMBINADO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA

AVISO DE LA SOLICITUD Y DECISIÓN PRELIMINAR PARA EL PERMISO DEL SISTEMA DE ELIMINACIÓN DE DESCARGAS DE CONTAMINANTES DE TEXAS (TPDES) PARA AGUAS RESIDUALES MUNICIPALES NUEVO

PERMISO NO. WQ 0015722001

SOLICITUD Y DECISIÓN PRELIMINAR. SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) por un nuevo Permiso del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) Numero de Permiso WQ 0015722001, para autorizar descarga de agua residuales tratadas en un volumen que no sobrepasa un flujo promedio diario de 9,500 galones por día. La TCEQ recibió esta solicitud el 30 de agosto, 2018.

Se está emitiendo este aviso combinado para corregir la descripción de la ruta de descarga establecida en el NORI original, que omitió Elizabeth Creek de la descripción.

La planta está ubicada en 13241 Harmon Road, Fort Worth en el Condado de Tarrant, Texas 76177. La ruta de descarga es del sitio de la planta hacia un afluente sin nombre; de allí a Buffalo Creek; de allí a Henrietta Creek; de allí a Elizabeth Creek; de allí a Denton Creek; de allí a Grapevine Lake en el Segmento No. 0826 de la Cuenca del Río Trinity. Los usos no clasificados de las aguas receptoras son usos limitados de la vida acuática para afluente sin nombre y Buffalo Creek. Los usos designados para el Segmento No. 0826 son usos elevados de vida acuática; abastecimiento de agua potable; y primario contacto recreación. De acuerdo con el 30 TAC §307.5 y los procedimientos de implementación de TCEQ (enero 2010) para las Normas de Calidad de Aguas Superficiales en Texas, fue realizada una revisión de la antidegradación de las aguas recibidas. Una revisión de antidegradación del Nivel 1 ha determinado preliminarmente que los usos de la calidad del agua existente no será perjudicada por la acción de este permiso. Se mantendrá un criterio narrativo y numérico para proteger los usos existentes. No es requerida una revisión del Nivel 2 ya que no se ha identificado el uso intermedio, alto o excepcional de la vida acuática en los cuerpos de agua en la ruta de descarga. Los usos existentes serán mantenidos y protegidos. La determinación preliminar puede ser reexaminada y puede ser modificada, si se recibe alguna información nueva. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.941388&lng=-97.323888&zoom=13&type=r>

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un borrador del permiso. El borrador del permiso, si es aprobado, establecerá las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha tomado una decisión preliminar que si este permiso es emitido, cumple con todos los requisitos normativos y legales. La solicitud del permiso, la decisión preliminar del Director Ejecutivo y el borrador del permiso están disponibles para leer y copiar en Haslet Public Library, 100 Gammill Street, Haslet Texas.

COMENTARIO PUBLICO / REUNION PUBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO. Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todos los comentarios públicos esenciales, pertinentes, o significativos. A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso. Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS: su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.

ACCIÓN DEL DIRECTOR EJECUTIVO. El Director Ejecutivo puede emitir una aprobación final de la solicitud a menos que exista un pedido antes del plazo de vencimiento de una audiencia administrativa de lo contencioso o se ha presentado un pedido de reconsideración. Si un pedido ha llegado antes del plazo de vencimiento de la audiencia o el pedido de reconsideración ha sido presentado, el Director Ejecutivo no emitirá una aprobación final sobre el permiso y enviará la solicitud y el pedido a los Comisionados de la TCEQ para consideración en una reunión programada de la Comisión.

LISTA DE CORREO. Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cuál lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

Todos los comentarios escritos del público y los pedidos una reunión deben ser presentados durante los 30 días después de la publicación del aviso a la Oficina del Secretario Principal, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 o por el internet a www.tceq.texas.gov/about/comments.html. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia.

CONTACTOS E INFORMACIÓN DE LA TCEQ. Si necesita más información en Español sobre esta solicitud para un permiso o el proceso del permiso, por favor llame a El Programa de Educación Pública de la TCEQ, sin cobro, al 1-800-687-4040. La información general sobre la TCEQ puede ser encontrada en nuestro sitio de la red: www.tceq.texas.gov

También se puede obtener información adicional del SigmaPro Properties, LLC a la dirección indicada arriba o llamando a Mr. Robert Berman al 682-888-1239.

Fecha de emisión: January 17, 2019

Mucha variedad en los cortos nominados al 'Óscar'

POR LAURA HIROS
Especial La Estrella

La gran fiesta del cine está a sólo dos semanas y una de las categorías más fascinantes es la de los cortometrajes.

En Dallas, la casa productora Magnolia da la oportunidad en sus salas de cine a los cinéfilos de entrar por completo a este mundo, presentando los cortometrajes nominados al Óscar. Este año, hay una constante: muchas historias de niños que le conmoverán, alegrarán y aterrarán por igual.

Aquí una probadita: "Madre" es un corto español, que comienza de la manera más cotidiana, una mujer joven con su madre, platican de sus planes para la cena, pero todo cambia cuando el teléfono suena y es el hijo y nieto de las mujeres en pantalla, tiene seis años y su papá lo acaba de dejar solo en una playa.

Desde Canadá son dos los cortos nominados "Favue" (Fieras) sobre dos amiguitos de no más de 12 años, que pasan sus horas en un extraño juego para determinar quién es el



Cortesía ShortsTV

La actriz Marta Nieto en una escena de "Madre".

más fuerte; poco a poco el juego llegará a situaciones inesperadas que les cambiarán la vida para siempre; y "Marguerite", sobre una anciana en sus últimos días de vida y la dulce amistad con su enfermera, que le ayudará a saldar heridas del pasado.

Desde Irlanda llega "Detainment", un corto simplemente devastador, basado en la terrible historia de dos niños de 10 años que fueron detenidos por secuestrar y asesinar a un pequeño de tres, para helarle la sangre al más

insensible.

"Skin" (Piel) de los Estados Unidos, otra vez una historia desde los ojos de un niño de 10 años, que vive con el racismo a flor de piel y por cuestiones del color de ésta, su vida dará un giro aterrador.

En el mundo de los cortos animados curiosamente son también estos tres países: Irlanda, Canadá y Estados Unidos, los que logran nominaciones este año.

"Bao", de Estados Unidos, cuenta la historia de una madre que sufre el síndrome del nido vacío y se da otra oportunidad para alimentar su instinto materno, haciéndose la madre de un dumpling. Curiosa idea de Pixar que por sus colores y originalidad tiene una fuerte posibilidad de llevarse la presea.

También de los Estados Unidos, llega "Weekends" (Fines de semana), un corto animado a mano sobre la vida de un niño con papás divorciados que se alterna los fines de semana en casa de cada uno, y "One Small Step" (Un pequeño paso) sobre la jovencita chinoamericana que vive con su papá

Madre
España
Dirige: Rodrigo Sorogoyen y María del Puy Alvarado.
19 min.
★★★★★
(de 5 estrellas)

Favue
Canadá
Dirige: Jeremy Comte
17 min.
★★★★★

Marguerite
Canadá
Dirige: Marianne Farley
19 min.
★★★★★

Detainment
Irlanda
Dirige: Vincent Lambe
19 min.
★★★★★

Skin
Dirige: Guy Nattiv
19 min.
★★★★★

CORTOS ANIMADOS:
Bao
Estados Unidos
Dirige: Domee Shi.
8 min.
★★★★★

Late Afternoon
Irlanda
10 min.
★★★★★

Animal Behaviour
Canadá
Dirigen: Alison Snowden y David Fine
14 min.
★★★★★

Weekends
Estados Unidos
Dirige: Trevor Jimenez
16 min.
★★★★★

One Small Step
Estados Unidos
Dirigen: Andrew Chesworth y Bobby Pontillas
8 min.
★★★★★

ESTRENOS DEL FIN DE SEMANA
Beneath the Leaves; Berlin, I Love You; Cold Pursuit; Darkness Visible; Lego Movie 2: The Second Part; Man Who Killed Hitler and Then Bigfoot; The Prodigy; A Violent Man; What Men Want

zapatero y quiere ser astronauta, tremendamente emotivos ambos.

Desde Irlanda, "Late Afternoon" (Tardes), en donde la anciana Emily trata de recuperar sus memorias perdidas viviendo en las plácidas tardes de té. Una corto bello y emotivo.

Desde Canadá una sátira hecha corto animado con "Animal Behavior" (Comportamiento animal) sobre una terapia en grupo entre animales, sensacional.

VIENE DE LA 1A

INOCENTES

mano.

"El ha jugado con Inocentes desde los 14 años, y ya se estaba retirando como jugador y como conocía muy bien a los chavos y sabía muy bien como jugaban en vez de ir a buscar alguien que nos iba a cobrar el tomó las riendas y era gratis", dijo el presidente.

Inocentes jugará su

segunda final consecutiva contra California United este sábado 9 a las 9 p.m. en Los Ángeles.

Culminado el torneo nacional, inmediatamente vendrán las pruebas o tryouts a realizarse en la Polytechnic High School el 24 de febrero. Los interesados pueden inscribirse en la página del club.

CLASSIFIEDS
817-332-3333

Toll Free: 800-222-FWST (3978)
Monday - Friday
8 a.m. to 5 p.m.
Place newspaper and online ads at
www.star-telegram.com/classifieds

legals classified

legals & public notices

COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS
AVISO DE SOLICITUD Y DECISIÓN PRELIMINAR
PARA UN PERMISO DE CALIDAD DE AIRE
PERMISO DE CALIDAD DE AIRE
NÚM. 18514

SOLICITUD Y DECISIÓN PRELIMINAR. Bell Helicopter Textron Inc., 3255 Bell Flight Boulevard, Fort Worth, Texas 76118 ha solicitado de la Comisión de Calidad Ambiental de Texas (TCEQ por sus siglas en inglés) el Permiso de Calidad de Aire Número 18514 para autorizar la modificación de una instalación de fabricación de helicópteros en 3255 Bell Flight Boulevard, Fort Worth, Condado de Tarrant, Texas. La instalación existente va a emitir los siguientes contaminantes atmosféricos: compuestos orgánicos

El director ejecutivo de la TCEQ ha concluido la revisión técnica de la solicitud y ha preparado un permiso preliminar, el cual si es aprobado, establecerá las condiciones debajo de las cuales el sitio deberá operar. El director ejecutivo a hecho la decisión preliminar de otorgar este permiso. La solicitud del permiso, la decisión preliminar del director ejecutivo, y el permiso preliminar estarán disponibles para ser revisados y copiados en la Oficina de la TCEQ y en la TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Condado de Tarrant, Texas. Los archivos del cumplimiento de la ley de la facilidad, si existen, están disponibles para la revisión del público en la Oficina Regional de Fort Worth de la TCEQ.

COMENTARIOS PÚBLICOS/ REUNIÓN PÚBLICA. Usted puede presentar comentarios públicos o solicitar una reunión pública sobre esta solicitud. El propósito de la reunión pública es el proveer la oportunidad de someter comentarios o hacer preguntas sobre esta solicitud. La TCEQ tendrá una reunión

legals & public notices

publica si el director ejecutivo determina que hay suficiente interés de parte del público en esta solicitud o si es solicitada por un legislador local. Una reunión pública no es una audiencia de caso impugnado. Usted puede presentar comentarios públicos por escrito adicionales dentro de los 30 días siguientes a la fecha de publicación en el periódico de este aviso de la manera estipulada en el párrafo de Información y contactos de la agencia a continuación.

RESPUESTA A LOS COMENTARIOS PÚBLICOS Y ACCIÓN DEL DIRECTOR EJECUTIVO. Después del plazo final para someter comentarios públicos posteriores el director ejecutivo considerará los comentarios y preparará una respuesta a todos los comentarios públicos relevantes y materiales o significativos. Porque no se han recibido peticiones para una audiencia de caso impugnado, el director ejecutivo aprobará la solicitud para este permiso. La respuesta a los comentarios, junto con la decisión del director ejecutivo sobre la solicitud, será entonces enviada por correo a todos aquellos que hallan sometido comentarios públicos o que están en la lista de correo de esta solicitud, y será puesta electrónicamente en la Base Integrada de Datos de los Comisionados.

DISPONIBILIDAD ELECTRÓNICA DE INFORMACIÓN. Por medio del sitio web de la Comisión, en la página www.tceq.state.texas.gov/goto/cid, se pueden obtener los siguientes documentos: la respuesta del director ejecutivo a los comentarios y la decisión final sobre esta solicitud. Una vez que usted haya obtenido acceso a la Base de Datos Integrada de los Comisionados (en inglés, Commissioners' Integrated Database, o CID) usando el enlace de arriba, favor de poner el número de permiso de esta solicitud, el cual se encuentra en la parte superior de este aviso. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado co-

legals & public notices

mo una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.806388&lng=-97.16&zoom=13&type=r>

LISTA PARA ENVÍO DE CORREO. Usted puede solicitar ser incluido en una lista de correo para recibir información adicional con respecto a esta solicitud. Para ser incluido en una lista de correo, envíe su petición a la Oficina del Secretario Oficial a la dirección que se encuentra a continuación en el párrafo titulado "Información."

INFORMACIÓN. Los comentarios públicos se debe presentar a la Oficina del Secretario Oficial, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087, o por el Internet al www14.tceq.texas.gov/epic/eComment/ cualquier información de contacto que proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física, se agregará al registro público de la agencia. Para mayor información sobre esta solicitud para permiso o el proceso para permisos, por favor llame a la TCEQ sin cobro al Programa de Educación Pública de la TCEQ, al 1-800-687-4040.

Más información puede ser obtenida de Bell Helicopter Textron Inc. en la dirección en el primer párrafo o llamando a Mr. Sam Sutton al 817-280-1254.

Fecha de emisión del aviso: 9 de enero de 2019

misc. services

PRESIDENT'S DAY DEADLINES

The following will be observed, as some departments will be closed Monday 2/18/19.
GENERAL CLASSIFIEDS:
Pub. 2/19 - deadline 2/15 at 12p.
OTHER EARLY DEADLINES:
Keller Citizen Pub. 2/20 - deadline 2/15 4p
Mansfield News Mirror Pub. 2/20 - deadline 2/15 4p
Star Telegram Northeast Pub. 2/20 - deadline 2/15 4p
OBITUARIES:
No Early Deadlines

¡Usted está invitado!

SESIÓN ABIERTA

SH 199 enlace con I-820

SH 199: desde Azle Avenue hasta Biway Street

I-820: desde Navajo Trail/Cahoba Drive hasta Marine Creek Parkway

ACOMPÁÑENOS

Martes, 19 de febrero, 2019

6 p.m. - 7:30 p.m.

Cafetería de la escuela
Lake Worth High School

4210 Boat Club Road
Lake Worth, Texas 76135

El Departamento de Transporte de Texas necesita su aportación

Comisión De Calidad Ambiental Del Estado De Texas



AVISO COMBINADO
DE RECIBO DE LA SOLICITUD Y
EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA

Y
AVISO DE LA SOLICITUD Y DECISIÓN PRELIMINAR PARA EL
PERMISO DEL SISTEMA DE ELIMINACIÓN DE DESCARGAS DE CONTAMINANTES DE TEXAS (TPDES) PARA AGUAS RESIDUALES MUNICIPALES
NUEVO
PERMISO NO. WQ 0015722001

SOLICITUD Y DECISIÓN PRELIMINAR. SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) por un nuevo Permiso del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) Número de Permiso WQ 0015722001, para autorizar descarga de agua residuales tratadas en un volumen que no sobrepasa un flujo promedio diario de 9,500 galones por día. La TCEQ recibió esta solicitud el 30 de agosto, 2018.

Se está emitiendo este aviso combinado para corregir la descripción de la ruta de descarga establecida en el NORI original, que omitió Elizabeth Creek de la descripción.

La planta está ubicada en 13241 Harmon Road, Fort Worth en el Condado de Tarrant, Texas 76177. La ruta de descarga es del sitio de la planta hacia un afluente sin nombre; de allí a Buffalo Creek; de allí a Henrietta Creek; de allí a Elizabeth Creek; de allí a Denton Creek; de allí a Grapevine Lake en el Segmento No. 0826 de la Cuenca del Río Trinity. Los usos no clasificados de las aguas receptoras son usos limitados de la vida acuática para afluente sin nombre y Buffalo Creek. Los usos designados para el Segmento No. 0826 son usos elevados de vida acuática; abastecimiento de agua potable; y primario contacto recreación. De acuerdo con el 30 TAC §307.5 y los procedimientos de implementación de TCEQ (enero 2010) para las Normas de Calidad de Aguas Superficiales en Texas, fue realizada una revisión de la antidegradación de las aguas recibidas. Una revisión de antidegradación del Nivel 1 ha determinado preliminarmente que los usos de la calidad del agua existente no será perjudicada por la acción de este permiso. Se mantendrá un criterio narrativo y numérico para proteger los usos existentes. No es requerida una revisión del Nivel 2 ya que no se ha identificado el uso intermedio, alto o excepcional de la vida acuática en los cuerpos de agua en la ruta de descarga. Los usos existentes serán mantenidos y protegidos. La determinación preliminar puede ser reexaminada y puede ser modificada, si se recibe alguna información nueva. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.941388&lng=-97.323888&zoom=13&type=r>

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un borrador del permiso. El borrador del permiso, si es aprobado, establecerá las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha tomado una decisión preliminar que si este permiso es emitido, cumple con todos los requisitos normativos y legales. La solicitud del permiso, la decisión preliminar del Director Ejecutivo y el borrador del permiso están disponibles para leer y copiar en Haslet Public Library, 100 Gammill Street, Haslet Texas.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO. Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todos los comentarios públicos esenciales, pertinentes, o significativos. A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso. Una audiencia administrativa de lo contencioso es un procedimiento legal similar

Exhibit “B”

Affidavit of Robert Berman

TCEQ Docket No. 2022-0531-MWD

PETITION BY 1817 LACEY, LTD. TO REVOKE TEXAS POLLUTION DISCHARGE ELIMINATION SYSTEM ("TPDES") PERMIT NO. WQ0015722001	§ § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
----------------------------------------------------------------------------------------------------------------------------------------------	----------------------------	-------------------------------------------------------------------------------

AFFIDAVIT

STATE OF TEXAS	§	
	§	
COUNTY OF TARRANT	§	

**Affidavit of Robert Berman, Employee and Project Manager of
SigmaPro Properties, LLC, a Texas limited liability company**

Robert Berman, having been duly sworn by the undersigned authority, does state under oath the following:

1. My name is Robert Berman. I am over the age of 18 and competent to make this affidavit. I have personal knowledge of the facts stated in this affidavit and they are true and correct.
2. I am currently employed by SigmaPro Properties, LLC, in Fort Worth, Tarrant County, Texas. My business address is 13241 Harmon Road, Fort Worth, Tarrant County, Texas 76177. I have worked for SigmaPro since October 2012.
3. In 2018, when SigmaPro initiated efforts to secure a wastewater treatment permit known as a TPDES Permit from the Texas Commission on Environmental Quality (the "TCEQ"), I was tasked to serve as the Company's representative and project manager in the TCEQ permitting process.
4. I give this affidavit in my capacity as an employee of and authorized representative of SigmaPro Properties, LLC, a Texas limited liability company.
5. In 2018, in anticipation of the TCEQ's sending notice letters to SigmaPro's neighboring landowners about the TPDES Permit Application process, the owner of SigmaPro, and my boss, Mr. David Underwood, directed me to reach out personally and try to make contact with the owners and managers of each of the neighboring properties we had identified in the TCEQ permit application process as being entitled to receive mailed notice. My tasks were:
 - (i) to let each of the neighboring properties know that SigmaPro had filed the permit application with TCEQ, and that they would be receiving a notice letter about it from the TCEQ;

- (ii) to let them know that I was the point of contact for any questions they might have about the application; and
 - (iii) to share with them the fact that a copy of the SigmaPro application was available for review at the Haslet Library located at 100 Gammill St., Haslet, Texas 76052 (the "Haslet Library").
- 6. A true and correct copy of the Map of the neighboring properties SigmaPro's permitting consultants identified during the permitting process and we included in our Permit Application is attached hereto as Exhibit "A," and incorporated by reference for all purposes. I visited each of these properties in 2018 in advance of the TCEQ's issuance of mailed notice in connection with the SigmaPro TPDES wastewater discharge permit.
- 7. I personally attempted to make contact with either the owner or someone in a management position for each of the properties identified as Tract Nos. 1-13 on the Map attached as Exhibit "A." In those instances where no one answered, or was otherwise available to visit with me, I left them a note with my name and contact information in their mailbox.
- 8. With respect to the property identified as Tract No. 4 on the Map attached hereto as Exhibit "A," I understand that this property is the property claimed to be owned by 1817 Lacey Ltd. in the Petition to Revoke SigmaPro's TCEQ Wastewater Permit No. WQ00157722001 that is the subject of this TCEQ Docket No. 2022-0531-MWD.
- 9. Tract No. 4 is one of the larger properties I visited. It covers a large portion of the watercourse that is part of the discharge route downstream of SigmaPro's permitted discharge point. It has at least two street addresses on Lacy Drive, *i.e.*, 1817 Lacy Drive and 1819 Lacy Drive.
- 10. In 2018, when I was visiting each of the properties identified on the Map attached hereto as Exhibit "A," the property identified as Tract No. 4 was occupied, in part, by an entity called "Closner Equipment Company, Inc." All of the signage on the buildings on the property occupied by Closner at the time I made my visit about the SigmaPro application identified the buildings as "Closner Equipment."
- 11. When I visited the offices of Closner on the Tract No. 4 property I introduced myself and my purpose and asked to speak to the "owner." I was told that the owner was not in town. I then asked to speak with the onsite manager so that I could relay the information related to the SigmaPro application and the anticipated notice they would be receiving from TCEQ in the near future, and the fact that I had deposited a copy of the SigmaPro Application at the Haslet Library.
- 12. When I spoke to the gentleman identified as the Closner on-site manager, I advised him of my name and position with SigmaPro, and the details of the purpose of my visit. Specifically, as I was telling all of our neighbors, I advised Closner's onsite manager that SigmaPro had applied for a wastewater discharge permit from the Texas Commission on Environmental Quality ("TCEQ") that would allow SigmaPro to treat and discharge effluent from our industrial operation into the creek where it would flow downstream. I told him that Closner would be receiving a letter from the TCEQ about the application,

and that I had placed a copy of SigmaPro's Application on file with the Haslet Library for review by members of the Public. I also asked him to pass the information, together with my contact information, to the owner of the property in case they wanted to call me with any questions about the SigmaPro application.

13. After I finished at Closner's Offices, I walked around the corner to another commercial building on Tract No. 4. It had a different name from Closner. That building had the name Premier Paving Ltd. on it. As it was located on Tract No. 4, I stopped in at the Premier Paving office, and reported the same information to the Premier onsite manager I had given to the Closner representative to the onsite manager at Premier Paving.
14. I do not recall ever seeing any information on or near Tract No. 4 indicating that the Petitioner 1817 Lacey Ltd., not Closner or Premier, was the owner of Tract No. 4, nor do I recall being told by the Closner site manager I spoke to, or any other Closner personnel, that 1817 Lacey Ltd., not Closner, owned the property. Similarly, the manager at Premier Paving Ltd. Office did not say anything to me about the property (Tract No. 4) being owned by an entity known as 1817 Lacey Ltd.
15. In preparation of this affidavit, I reviewed my file of photographs related to SigmaPro's property and neighboring properties. In that process I came across the photograph attached hereto as Exhibits "B" and "C," which show a portion of both the SigmaPro property south of Lacy Drive, the property north of Lacy Drive identified as Tract No. 4 on the Map appended hereto as Exhibit "A."
16. Exhibit "B" is a true and correct copy of a photograph I took on my phone camera on July 19, 2016. The photograph is taken from the SigmaPro property where we were doing some construction that I had been tasked to oversee and supervise. I took the photograph looking to the north. The photograph captured the SigmaPro construction I was photographing, and buildings located across Lacy Drive on Tract No. 4. One of the buildings in the foreground of the photograph, which is located on Tract No. 4, contains signage identified as Closner Equipment. *See Exhibits "B" and "C."*
17. Exhibit "C" is a true and correct excerpt of the photograph in Exhibit "B." To make the Closner signage more readable, I enlarged my original photograph and then cropped it so that the Closner signage would be readable.
18. The Closner signage reflected in the 2016 photograph I took and have attached hereto as Exhibits "B" and "C" was still in place in 2018 when I made my visit to explain the SigmaPro TPDES Permit Application.
19. Since 2018 Closner has vacated Tract No. 4 and relocated to another industrial park tract several blocks away.
20. Today, Tract No. 4 is occupied only by Premier Paving, Ltd., which is one of the entities that occupied a portion of Tract No. 4, that I also visited with about the SigmaPro TPDES Application in 2018.

21. The statements made in paragraphs 1 through 20., above, inclusive, are true and correct and within my personal knowledge.

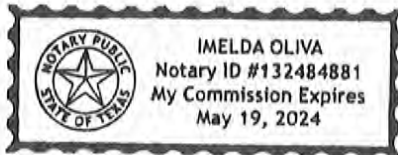
Further Affiant Sayeth Not.

Executed in Tarrant County, State of Texas, on this
1 day of June, 2022.



Robert Berman, AFFIANT, acting in his official capacity as Employee of, and Project Manager for Permittee, SigmaPro Properties, LLC, a Texas limited liability company

SWORN TO AND SUBSCRIBED BEFORE ME by Robert Berman, acting in his capacity as an employee and authorized representative of SigmaPro Properties, LLC, a Texas limited liability company, on behalf of said company, this the 1 day of June, 2022, to certify which witness my hand and seal of office.



Notary Seal



Notary Public, State of Texas

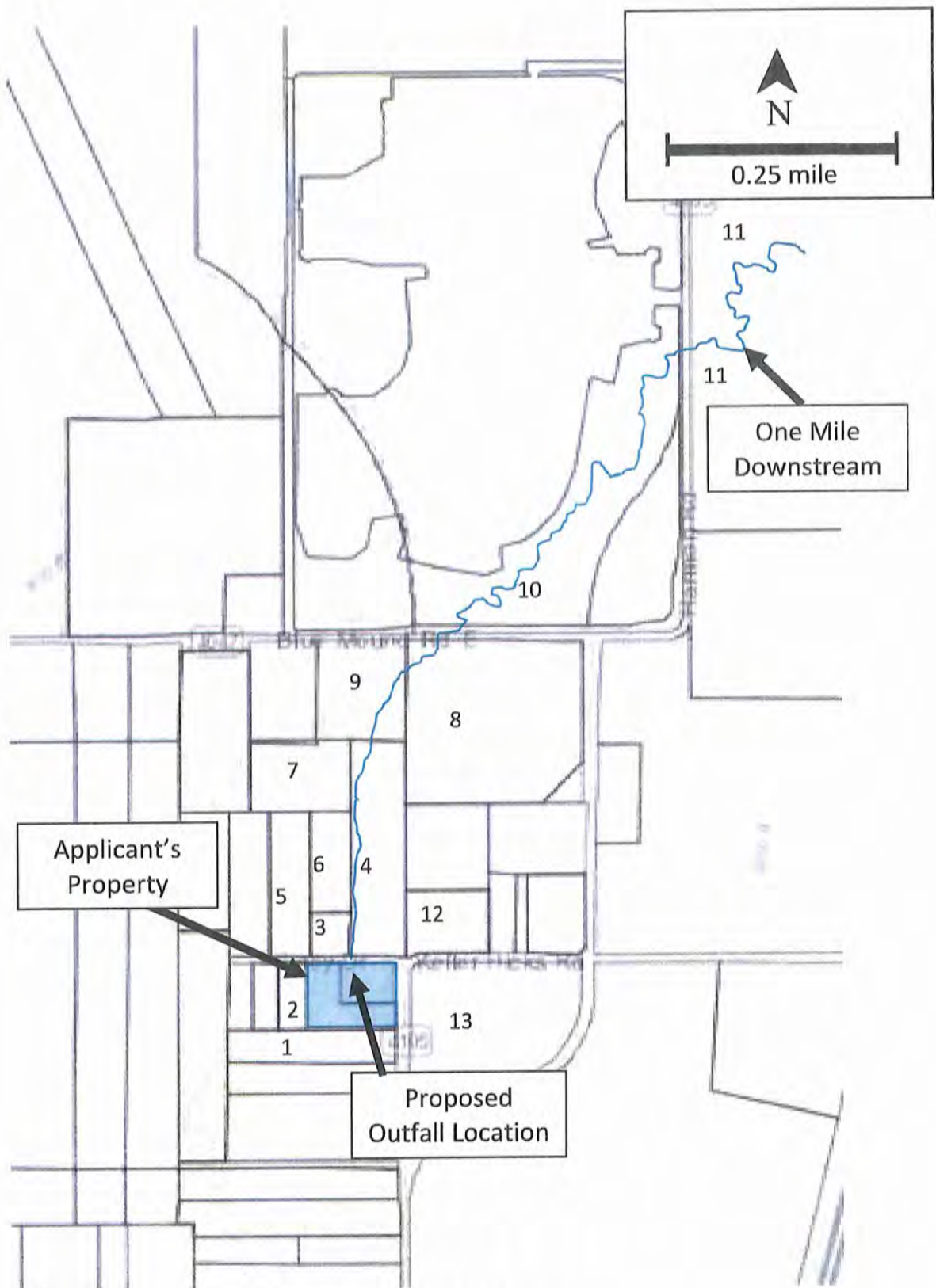
Printed Name: Imelda Oliva

Notary No.: 132484881

My Commission Expires: 05/19/2024

Exhibit “A”

Map of Neighboring Properties To SigmaPro’s Permit Site



ATTACHMENT C
SIGMAPRO PROPERTIES, LLC
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
APPLICATION FOR NEW PERMIT
LANDOWNER MAP

ATTACHMENT C
SIGMAPRO ENGINEERING & MANUFACTURING, INC.
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
APPLICATION FOR NEW PERMIT
AFFECTED LANDOWNER INFORMATION

- | | | | |
|---|--------------------------------------------------------------------------------|----|------------------------------------------------------------------------------------|
| 1 | FERGUSON ENTERPRISES INC
12500 JEFFERSON AVE
NEWPORT NEWS VA, 23602-4314 | 8 | HARMON ROAD LP
1665 HARMON RD
FORT WORTH TX, 76177-6522 |
| 2 | COMLINK WIRELESS
776 WINDEMERE WAY
KELLER TX, 76248 | 9 | TUCKER JAMES R
TUCKER MEGHAN
1004 BLUE MOUND RD E
HASLET TX, 76052-4058 |
| 3 | MUSH INC
1805 LACY DR
FORT WORTH TX, 76177-6507 | 10 | CARAWAY HOMEOWNERS ASSOCIATION INC
101 CLARIDEN RANCH RD
SOUTHLAKE TX, 76092 |
| 4 | CLOSNER EQUIPMENT CO INC
PO BOX 917
SCHERTZ TX, 78154-0917 | 11 | RHETT REALTY INVESTORS ETAL
3930 GLADE RD STE 108
COLLEYVILLE TX, 76034-7923 |
| 5 | CUDD PRESSURE CONTROL INC
8032 MAIN ST
HOUMA LA, 70360-4428 | 12 | CONNER INDUSTRIES INC
3800 SANDSHELL DR STE 235
FORT WORTH TX, 76137-2429 |
| 6 | BMAX PROPERTIES LLC
149 SCENIC RIDGE DR
WEATHERFORD TX, 76087-1522 | 13 | TCRG OPPORTUNITY IX LLC
5201 CAMP BOWIE BLVD STE 200
FORT WORTH TX, 76107 |
| 7 | V P DEVELOPMENT CORP
2196 JOYCE CT
EULESS TX, 76039-4252 | | |

Exhibit “B”

**Photograph by Robert Berman Depicting SigmaPro Property
and Closner Equipment Signage in July 2016**

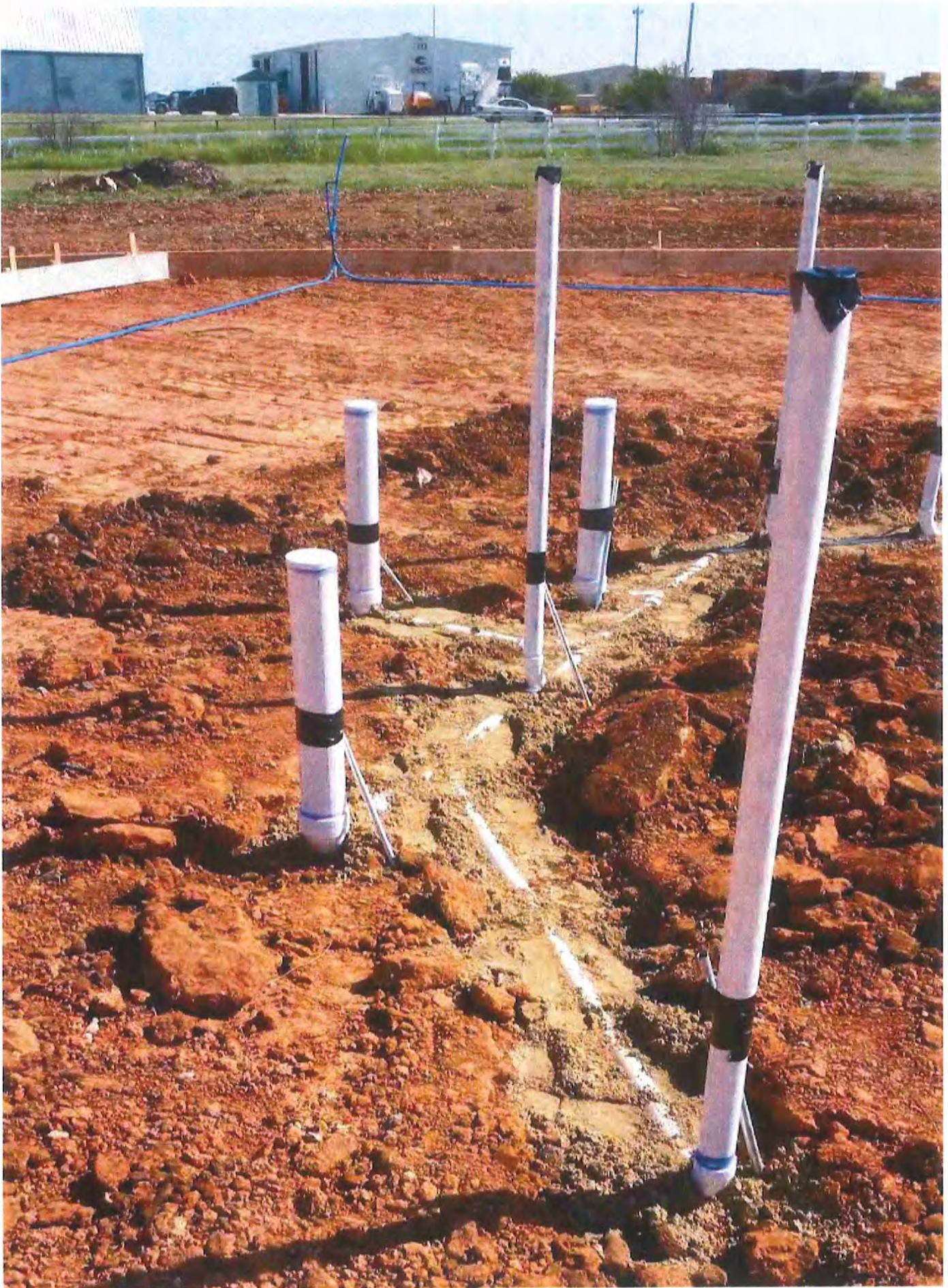


Exhibit “C”

**Enlarged and Cropped Version of Robert Berman’s
Exhibit “B” Photograph to Enhance “Readability”
of Closner Equipment Signage**



Exhibit “C”

July 2020 E-mail Exchanges between Petitioner & SigmaPro

Hugh Simpson

From: Hugh Simpson
Sent: Thursday, July 9, 2020 10:52 AM
To: Allen, Vivian
Cc: Mabel Simpson; Brad Greer (brad@bgaainc.com)
Subject: RE: 1817 Lacy Drive

Vivian

The permit to discharge wastes does not give Sigma Pro permission to dump without “**permittee acquiring property rights**”. Sigma listed Closner as an affected land owner. Closner did not have ownership at the time the permit was listed, nor has had any ownership in the property located at 1817 Lacy Drive.

Its best you and whomever show up at our office on Friday, and run this email up to upper management. 1817 Lacey Ltd. was never contacted, asked, nor would we have granted permission for dumping to occur.

Note: I have copied the 1817 Lacey Ltd., property owners.

Note: I’m still a friendly neighbor but now feel we have been taken advantage of for the purpose of Sigma saving money.

1030 would be great. Our office is 1755 N Collins Ste. 105 Richardson TX 75080.

Regards,

Hugh D. Simpson

Business Manager
1817 Lacey Ltd.
1755 N. Collins Blvd.
Suite 105
Richardson, TX 75080
Law Ph: 972.783.6384
Title Ph: 972.783.0079
Fax: 972.783.2573

From: Allen, Vivian <vivian@sigmaproeng.com>
Sent: Wednesday, July 8, 2020 8:35 PM
To: Hugh Simpson <hsimpson@Simpsonlaw.org>
Subject: Re: 1817 Lacy Drive

Mr. Simpson,

Thanks for the email and the time you’ve proposed on Friday. As I stated earlier, I will have our Director of Engineering, Tom Church, with me for the meeting. We can meet you at our location or yours.

I would like to spend the time we have gathering some additional facts about the problems your tenant is experiencing, including when the smell started, if it is worse at certain times, if it has abated at all since they noticed it, and if any other information about additional possible sources has been gathered including clearing out the creek to eliminate the possibility of rotting foliage or animal remains as a source of the problem.

I have attached a copy of our TCEQ permit, which we can also discuss if you have any questions about the permit and related permitted discharge. At this time, we are authorized to have discharge on our property that runs into the existing water flow, so there is no unauthorized discharge or dumping into the creek, however, if you have additional questions that the permit or more explanation from our staff can help with, we will provide answers as we are able. We are, and have been at all times, in compliance with the TCEQ permit.

If you'd prefer to respond with an email with the additional information I asked for above, and any questions about the permit instead of meeting in person, that is totally fine as well.

Hope you are able to find a quick solution to the problems your tenants are having and happy to help in providing the attached information about our permitted discharge. We'll see you Friday morning.

Thanks!
Vivian Allen

Get Outlook for iOS

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Wednesday, July 8, 2020 4:13 PM
To: Allen, Vivian
Subject: RE: 1817 Lacy Drive

EXTERNAL
See you then.

Thanks.

Hugh D. Simpson
Business Manager
1817 Lacey Ltd.
1755 N. Collins Blvd.
Suite 105
Richardson, TX 75080
Law Ph: 972.783.6384
Title Ph: 972.783.0079
Fax: 972.783.2573
hsimpson@simpsonlaw.org

From: Allen, Vivian <vivian@sigmaproeng.com>
Sent: Wednesday, July 8, 2020 3:55 PM
To: Hugh Simpson <hsimpson@Simpsonlaw.org>
Subject: RE: 1817 Lacy Drive

I will definitely have time for the meeting and I will have the Director of Engineering, Tom Church, with me.

I'll have a bit more information to you shortly.

Exhibit “D”

E-mail Exchanges between Petitioner and Petitioner Tenant, Premier Paving Ltd. representatives

Carly Huber

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Thursday, April 8, 2021 4:26 PM
To: Mabel Simpson; Brad Greer (brad@bgaainc.com)
Cc: Carnes, Kris
Subject: FW: 1817 Lacy Drive. More photos. Let me know when you want our next phone conference prior to on site inspection. Thx
Attachments: Attachments.html

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL]

Update

- i) the Hoover dam is built and poo water is backing up on Sigma Pro's side of the road.
- ii) Working to have trees knocked down and reclaim all that land on eastern boundary. Has to be at least 1 to 2 acres.
- iii) We have Hiway contractor that has more than enough dirt from HW 35 to reclaim as much as we want. Note: We can only take about 1/10 of what they have to dispose of and that includes reclaim of North piece of property.
- iv) Engaged Tarrant County to discuss water drainage alternatives. This matter is going all the way up the County food chain. The 1995 photo clearly shows the primary reason we are getting the rain water was man made. The main water way was west of the property.
- v) Attachment is for Correspondence with Tarrant County Transportation Director.
- vi) Hail claim is now official with claim #
 - a. Roof has sections tarped.
 - b. Patches put in place through out
 - c. Waiting claim process / Note we have internal damage in small bldg..

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Thursday, April 8, 2021 4:02 PM
To: apokhrel@tarrantcounty.com
Cc: Hugh Simpson <hsimpson@Simpsonlaw.org>
Subject: 1817 Lacy Drive. More photos. Let me know when you want our next phone conference prior to on site inspection. Thx

Photo

- i) 1995 Photo 1. Our bldg. is the white square. Note: the Main water shed west which has now been filled and drains to our property.
- ii) Same as above ...disregard.
- iii) 2001 Photo.
- iv) 2020 Photo showing only part of the ponding west property line.
- v) West Property line ponding
- vi) West Property line ponding
- vii) North property line looking west in 2015 which is mostly dry. It's now a marsh.
- viii) North property line in 2015 mostly dry. It's now almost 2 acres or more of marsh.

- ix) North property line looking west mostly dry. It's now almost 2 acres or more of marsh.
- x) Recent photo. Large erosion taking place
- xi) Same as previous.
- xii) Small elevation map. Photo speaks for itself. This photo was taken from a drone.
- xiii) Northern property line looking WSW. Again dry now a marsh.
- xiv) Save as previous.
- xv)

From: Hugh Simpson <hsimpson@Simpsonlaw.org>

Sent: Thursday, April 8, 2021 2:30 PM

To: Hugh Simpson <hsimpson@Simpsonlaw.org>

Subject: FW:

Citrix Attachments

Expires October 5, 2021

1995Photo(1).jpg	593.1 KB
1995Photo.jpg	593.1 KB
2001PhotofromKris.jpg	443.1 KB
20200928_123746(1).jpg	7.5 MB
20200928_123746.jpg	7.5 MB
20210407_150221.jpg	9.3 MB
Lokking West inside N Line.jpg	2.3 MB
North Line.jpg	2.8 MB
North property line looking W.jpg	3.2 MB
RecentPhoto(1).jpg	661.6 KB
RecentPhoto.jpg	661.6 KB
Small Elevation Map 8-17-2020.pdf	6.6 MB
WSW look from NE (1).jpg	2.6 MB
WSW look from NE .jpg	2.6 MB

[Download Attachments](#)

Hugh Simpson uses Citrix Files to share documents securely.

Exhibit “E”

**E-mail Exchange between Petitioner and Tenant
Premier Paving, August 2020**

From: [Kurt Hinds](#)
To: [Hugh Simpson](#)
Subject: RE: Sigma Pro
Date: Tuesday, August 18, 2020 11:23:24 AM
Attachments: [image001.jpg](#)

Did not see drone, man I'm slipping I usually know everything and everyone that's going on with this property. Would like to see footage though. Also this guy could probably view what he wanted from the street, I think he wanted to try and deal with me about the problem rather than someone else, told him I had nothing to do with the situation.

Thank you,

Kurt Hinds

Premier Paving LTD.

1817 Lacy Drive

Fort Worth, TX 76177

(817) 773-9902

(817) 542-0119 Fax

www.premierpavingltd.com

kurt.hinds@sbcglobal.net

Live Simply. Love Generously. Care Deeply. Speak Kindly. Leave the rest to God.

From: Hugh Simpson <hsimpson@Simpsonlaw.org>

Sent: Tuesday, August 18, 2020 11:10 AM

To: Kurt Hinds <kurt.hinds@sbcglobal.net>

Subject: RE: Sigma Pro

You did the right thing...direct them my way.

I unleashed the hounds on these goons yesterday and will be filing suit sooner than later. After their attorney told me "the water will flow, you didn't own the property in 2019, there is not a pond behind the bldg. you occupy, Sigma Pro had more than just a Storm Sewer permit", I had to hang up the phone and lit the fuse. Something is not right with this group. TCEQ is engaged and more than likely will be on site very soon. Something tells me Sigma Pro has already been contacted by TCEQ. Have reached out to the City of Fort Worth to see if they want to look into this matter.

Note: They have applied for a new permit "I would argue the permit they should have initially applied for," which validates their guilt.

Sigma Pro essentially blew me off, but are scrambling now. I wouldn't want to be them but they did it to themselves. Gave them every opportunity to come clean "no pun intended".

Did you see the drone yesterday? Launched it yesterday afternoon and great aerial of the property.

From: Kurt Hinds <kurt.hinds@sbcglobal.net>

Sent: Tuesday, August 18, 2020 10:52 AM

To: Hugh Simpson <hsimpson@Simpsonlaw.org>

Subject: RE: Sigma Pro

Guy from SigmaPro just came to the office asking me what our problems were with the water and wanted to take a look, I told him he needed to communicate and deal with you or Mabel that we are just leasing the property. I tried not to be rude to him but told him this was between you guys and him. I did not give him permission to look at anything but rather deferred to the owners, if you are okay with him looking let him know he doesn't need my permission but does need your's.

Thank you,

Kurt Hinds
Premier Paving LTD.
1817 Lacy Drive
Fort Worth, TX 76177
(817) 773-9902
(817) 542-0119 Fax
www.premierpavingltd.com
kurt.hinds@sbcglobal.net

Live Simply. Love Generously. Care Deeply. Speak Kindly. Leave the rest to God.

From: Hugh Simpson <hsimpson@Simpsonlaw.org>

Sent: Monday, August 17, 2020 2:52 PM

To: Kurt Hinds <kurt.hinds@sbcglobal.net>

Subject: RE: Sigma Pro

Kurt

What a can of worms...their attorney emailed me Friday to tell me the "water will flow". Then she calls me this a.m. and literally had to politely hang up on her. She was pissing down my back and trying to convince me "it was raining". She had the nerve to tell me My Group did not own the property when permit was submitted 18 months past(lie), there was no pond behind your office (lie), they notified proper owners, Closner (lie) and get this, I just found out the permit they have is for "STORM WATER" only. Why "Storm Water" its easy to obtain and fast. Also, property owners would be inclined to approve "Storm Water" passing over their property.

Will file with TCEQ today and reach out to the city of Fort Worth.

Do you know anybody out that way that treats this type of water. Hell, I wonder how many gallons of water is sitting behind your office?

Let me know about a treatment company.

Thanks

hds

From: Kurt Hinds <kurt.hinds@sbcglobal.net>

Sent: Friday, August 14, 2020 2:46 PM

To: Hugh Simpson <hsimpson@Simpsonlaw.org>

Subject: Re: Sigma Pro

Water samples must have not been too great.

Thank you,

Kurt Hinds Premier Paving LTD. (817) 773-9902 (817) 542-0119 Fax www.premierpavingltd.com
khinds@premierpavingltd.com

On Friday, August 14, 2020, 02:44:26 PM CDT, Hugh Simpson <hsimpson@simpsonlaw.org> wrote:

Kurt

Just sent out the Cease and desist letter.

Hugh D. Simpson

Business Manager

1755 N. Collins Blvd.

Suite 105

Richardson, TX 75080

Law Ph: 972.783.6384

Title Ph: 972.783.0079

Fax: 972.783.2573

www.simpsonlaw.org

hsimpson@simpsonlaw.org



CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED HEREIN IS PERSONAL AND CONFIDENTIAL AND INTENDED ONLY FOR USE BY THE PERSON(S) NAMED ABOVE. THIS E-MAIL (INCLUDING ANY ATTACHED FILES) MAY CONTAIN CONFIDENTIAL INFORMATION WHICH IS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY INSTRUCTED NOT TO READ THIS INFORMATION AND YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS HEREOF IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT 972-783-6384 OR BY E-MAIL AT HSIMPSON@SIMPSONLAW.ORG AND DELETE THE ORIGINAL MESSAGE AND ANY ATTACHED DOCUMENTS/FILES. ALL RIGHTS RESERVED.

INTERNAL REVENUE SERVICE CIRCULAR 230 DISCLOSURE

TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION IF ANY (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (i) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE OR (ii) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN.

Exhibit “F”

**E-mail Exchange between Petitioner
and Tarrant County, April 2021**

From: Hugh Simpson

Sent: Friday, April 16, 2021 10:08 AM

To: Akar Pokhrel <APokhrel@tarrantcounty.com>; acjaramillo@tarrantcounty.com

Cc: Mabel Simpson <msimpson@munckwilson.com>; Brad Greer (brad@bgaainc.com) <brad@bgaainc.com>; kurt. hinds - Premier Paving (khinds@premierpavingltd.com) <khinds@premierpavingltd.com>; Hugh Simpson <hsimpson@Simpsonlaw.org>

Subject: FW: April 15th Mtg (1817 Lacy Drive)

Akar

Missed you at the 1817 Lacy 1 p.m. meeting yesterday. Did meet with Anthony Jaramillo and went over the lay of the land. Anthony had not seen any of the photos I forwarded and advised me he was present for the complaint about the culvert.

Wanted your team present as to go over the loss mitigation I have been compelled to take to protect our property. My contractor was present and has a permit to conduct the work. With the photos you have seen and walking the property the erosion is huge and about 20 feet from one of our buildings falling off into the ditch. Let's not talk about the Marsh that has been created on the North side of our property by my neighbor's Trespass utilizing county facilities.

The County transports poo water through the use of two ditches and a culvert has ultimately wrecked the property and mosquito season is coming...it's a swamp and will end on Tuesday. One would have thought Sigma Pro would have asked permission to use county ditches and culverts to use poo water to trespass on a neighbor. But then why would they, Sigma Pro didn't ask the owners of 1817 Lacey Ltd to use their land to dump poo water.

Sigma Pro stated on their TCEQ permit they did not use ditches nor cross under roads representing they dumped into an unnamed tributary from inside Sigma Pro property lines. Total fabrication and have no doubt the complaint Anthony was present for originated inside of Sigma Pro. Sigma uses two county ditches and crosses under one county road and would have thought the county would have had to bless this activity to execute their trespass.

Advised Anthony we will be building up the land to our neighbors level to the west staying inside our property line to the south and west. Wish you were there. The Culvert should be opened up on Tuesday but will only back up poo water up and down the County ditches with nowhere to go.

Regards,



Exhibit “G”

E-mail Exchange between Petitioner Representatives, July 2021

Carly Huber

From: Carnes, Kris
Sent: Friday, July 2, 2021 11:56 PM
To: Hugh Simpson; Mabel Simpson
Subject: Re: Lake Sigma Pro...now he can eat the mosquitoes as he waves his TCEQ permit over his head.

That's great. Let me know if he needs an engineer to help him out with his drainage. Lol

Get [Outlook for iOS](#)

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Friday, July 2, 2021 2:38:57 PM
To: Mabel Simpson <msimpson@munckwilson.com>; Brad Greer (brad@bgaainc.com) <brad@bgaainc.com>
Cc: Carnes, Kris <kris.carnes@elitepipincivil.com>
Subject: Lake Sigma Pro...now he can eat the mosquitoes as he waves his TCEQ permit over his head.

[EXTERNAL]

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Friday, July 2, 2021 2:37 PM
To: Hugh Simpson <hsimpson@Simpsonlaw.org>
Subject:

Exhibit “H”

**January 18, 2022 Letter from the Department of the Army, United
States Army Corps of Engineer, Fort Worth District,
addressed to 1817 Lacey, Ltd.**



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

January 18, 2022

Regulatory Division

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

SUBJECT: Project Number SWF-2021-00513, CEASE AND DESIST ORDER
1817 Lacey, Ltd.

1817 Lacey, Ltd.
C/O: Mabel Simpson
Registered Agent
1755 N. Collins Blvd., Suite 105
Richardson, Texas 75080

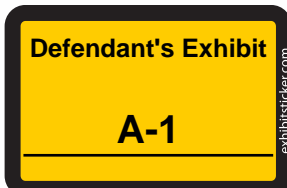
To Ms. Simpson:

Based on information provided to this office, it appears that an unauthorized discharge of dredged or fill material may have occurred into an unnamed tributary and/or associated wetlands to Henrietta Creek at property identified as 1817 Lacey Drive, near the city of Fort Worth, Texas. The discharge of fill materials into waters of the United States, including wetlands, is a violation of Section 301(a) of the Clean Water Act unless authorized by a Department of the Army permit issued under Section 404 of that Act. This project has been assigned Project Number SWF-2021-00513. Please include the project number in all future correspondence concerning this matter.

We are conducting an investigation to determine whether the work referred to above has occurred in waters subject to Section 404 statutory requirements without the requisite permit. We have received information in this office that indicates that you are an authorized representative for the responsible party for this work, i.e., 1817 Lacey, Ltd. By regulation, the U.S. Army Corps of Engineers (USACE) is required to issue you this cease and desist order and your client must halt any further unauthorized work in waters of the United States, including wetlands.

Legislation provides for administrative fines as well as civil or criminal penalties for violations of the Clean Water Act. These penalties, which are usually reserved for uncooperative, recalcitrant, or repeat violators, can result in significant fines and/or imprisonment. If further work is performed after receipt of this cease and desist order, the USACE may seek immediate legal action to halt such activity.

We request that your client acknowledges receipt of this letter by January 28, 2022, comply with its terms, and provide information concerning the need for this work and the history of the aforementioned activity (e.g.: when did the work commence, has the work been completed, what is the purpose for the work, etc.). The submittal must include information on the timing,



method of placement, composition, quantity, dimensions, and locations of the discharge and associated work. Your client may include any other information they deem pertinent to our investigation. In addition, we may solicit comments from appropriate federal and state agencies in order to better evaluate this activity.

We look forward to you and your client's cooperation in this matter. Please refer to our website at <https://www.swf.usace.army.mil/Missions/Regulatory.aspx> if you have any questions concerning this matter or contact Mr. Steve D. Lindamood at the address above, by telephone (817) 886-1670, or by email Steven.D.Lindamood@usace.army.mil.

Sincerely,

LEBSOCK.NEIL.M.12
41450941

Digitally signed by
LEBSOCK.NEIL.M.1241450941
Date: 2022.01.18 08:30:29 -06'00'

(for) Brandon W. Mobley
Chief, Regulatory Division

Copies Furnished (via email):

Ms. Loribeth Tanner
U.S. Environmental Protection Agency
Region 6 - Compliance & Enforcement

Mr. Tom Nystrom
U.S. Environmental Protection Agency
Region 6 - Compliance & Enforcement

Mr. David Galindo
Director, Water Quality Division
Texas Commission on Environmental Quality

Mr. Tom Heger
Texas Parks and Wildlife Department
Austin, Texas

Ms. Beth Bendik
Texas Parks and Wildlife Department
Austin, Texas



US Army Corps
of Engineers ®

REGULATORY GUIDANCE LETTER

No. 16-01

Date: October 2016

SUBJECT: Jurisdictional Determinations

1. Purpose. Approved jurisdictional determinations (AJDs) and preliminary JDs (PJDs) are tools used by the U.S. Army Corps of Engineers (Corps) to help implement Section 404 of the Clean Water Act (CWA) and Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA). Both types of JDs specify what geographic areas will be treated as subject to regulation by the Corps under one or both statutes. This Regulatory Guidance Letter (RGL) explains the differences between these two types of JDs and provides guidance to the field and the regulated public on when it may be appropriate to issue an AJD as opposed to a PJD, or when it may be appropriate to not prepare any JD whatsoever.

The Corps has long provided JDs as a public service. In U.S. Army Corps of Engineers v. Hawkes Co., 136 S.Ct. 1807 (2016), the Supreme Court held that AJDs are subject to judicial review, and several members of the Court highlighted that the availability of AJDs is important for fostering predictability for landowners. The Corps recognizes the value of JDs to the public and reaffirms the Corps commitment to continue its practice of providing JDs when requested to do so, consistent with the guidance below. This clarification RGL does not change or modify the definitions of AJDs and PJDs included in Corps regulations, the documentation practices for each type of JD, or when an AJD is required by the terms of its definition (e.g., only an AJD can be used to determine presence/absence of waters of the U.S.). This RGL also does not address which aquatic resources are subject to CWA or RHA jurisdiction.

The aim of this RGL is to encourage discussions between Corps districts and parties interested in obtaining the Corps views on jurisdiction to ensure that all parties have a common understanding of the different options for addressing CWA and RHA geographic jurisdiction so that the most appropriate mechanism for addressing the needs of a person requesting a JD can be identified. This RGL does not limit the discretion afforded a district engineer by the regulations to ultimately determine, consistent with the guidance below, how to respond to a request for a JD. After a requestor is fully informed of the options available for addressing geographic jurisdiction, the Corps will continue its current practice of providing an AJD consistent with this guidance if the party continues to request one. The uniform understanding of the different types of JDs and the well-reasoned use of discretion in the manner described in this guidance is of substantial importance within the Regulatory Program. The district engineer should set reasonable priorities based on the district's workload and available regulatory resources. For example, it may be reasonable to give higher priority to a JD request when it accompanies a permit request. This RGL addresses similar issues included in RGLs 07-01 and 08-02. Both RGL 07-01 and 08-02 are hereby superseded by this RGL.

2. Background. The regulations implementing the CWA and RHA introduced the concept of JDs when they "... authorized its district engineers to issue formal determinations of the applicability of the [CWA or RHA] to . . . tracts of land." 33 C.F.R. 320.1(a)(6). The use of such determinations was not addressed by either statute, and the regulations make their use discretionary and do not create a right to a JD. The regulations authorize their use as a service to the public, and the Corps has developed a practice of providing JDs when requested, and in appropriate circumstances.

Corps practice has evolved to address questions of jurisdiction through the use of AJDs and PJDs. However, some jurisdictional inquiries may be resolved without a JD. For example, a letter confirming that no Corps permit is required for activities on a site may be sufficient for responding to requests in a particular case. These different means of addressing questions of jurisdiction are discussed further below.

It is the Corps responsibility to ensure that the various types of JDs, their characteristics, and the reasons behind the JD request, have been adequately discussed with the requestor so requestors can make an informed decision regarding what type of documentation will best serve their needs. The JD requestor, after being advised by the Corps, will determine what form of JD, if any, is best for his/her particular circumstance, based on all the relevant factors. These factors include, but are not limited to, the requestor's preference and reasons for the request, whether any kind of permit authorization is associated with the request for a JD (e.g., individual permit or general permit), and the nature of any proposed activity needing authorization. Such factors are also relevant to how such requests are prioritized by the district engineer. The Corps regulations implementing the CWA and RHA leave the decision of whether to issue a JD to the discretion of the district engineer. However, it will continue to be the agency's practice to honor requests for JDs unless it is impracticable to do so, such as when the Corps is unable to gain access to a site to complete a JD or the Corps lacks other information necessary to respond to the request based on a sound technical record.

3. Approved JDs. An AJD is defined in Corps regulations at 33 CFR 331.2. A definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a parcel and the identification of the geographic limits of jurisdictional aquatic resources on a parcel can only be made by means of an AJD. AJDs may be either "stand-alone" AJDs or AJDs associated with permit actions. Some "stand-alone" AJDs may later be associated with permit actions, but at time of issuance are not related to a permit application. A "stand-alone" AJD may be requested so that impacts to jurisdictional aquatic resources may be avoided or minimized during the planning stages of a project, or it may be requested in order to fulfill a local/state authorization requirement.

- a. Except as provided otherwise in this RGL, and provided that the Corps is allowed legal access to the property and is otherwise able to complete an AJD, the Corps will issue an AJD upon receiving a request for a formal determination regarding the jurisdictional status of aquatic resources on a parcel, whether or not the request specifically refers to an "AJD."

- b. An AJD:
 - (1) will be used if the Corps is determining the presence or absence of jurisdictional aquatic resources on a parcel;
 - (2) will be used if the Corps is identifying the geographic limits of

jurisdictional aquatic resources on a parcel;

(3) will remain valid for a period of five years (subject to certain limited exceptions explained in RGL 05-02);

(4) can be administratively appealed through the Corps administrative appeal process set out at 33 CFR Part 331; and,

(5) may be requested through the use of the enclosed "Request for Corps Jurisdictional Determination (JD)" in Appendix 1. Even if the JD requestor does not use the enclosed "Request for Corps JD", the same information and signature provided in the "Request for Corps JD" should be submitted to the Corps district with each JD request.

4. Preliminary JDs. A PJD is defined in Corps regulations at 33 CFR 331.2. When the Corps provides a PJD, or authorizes an activity through a general or individual permit relying on an issued PJD, the Corps is making no legally binding determination of any type regarding whether jurisdiction exists over the particular aquatic resource in question. A PJD is "preliminary" in the sense that a recipient of a PJD can later request and obtain an AJD if that becomes necessary or appropriate during the permit process or during the administrative appeal process. See Appendix 2 for the PJD form.

a. A PJD:

(1) may be requested in order to move ahead expeditiously to obtain a Corps permit authorization where the requestor determines that it is in his or her best interest to do so;

(2) may be requested even where initial indications are that the aquatic resources on a parcel may not be jurisdictional, if the requestor makes an informed, voluntary decision that it is in his or her best interest not to request and obtain an AJD;

(3) may be used as the basis for a permit decision; however, for purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all aquatic resources that would be affected in any way by the permitted activity on the parcel as jurisdictional;

(4) may include the delineation limits of all aquatic resources on a parcel, without determining the jurisdictional status of such aquatic resources; and,

(5) may be requested through the use of the enclosed "Request for Corps Jurisdictional Determination (JD)" in Appendix 1. Even if the JD requestor does not use the enclosed "Request for Corps JD", the same information and signature provided in the "Request for Corps JD" should be submitted to the Corps district with each JD request.

5. No JD Whatsoever. The Corps generally does not issue a JD of any type where no JD has been requested and there are certain circumstances where a JD would not be necessary (such as authorizations by non-reporting nationwide general permits). In some circumstances, including where the Corps verifies general permits or issues letters of permission and/or standard permits, jurisdictional questions may not arise. In other circumstances, where no DA permit would be required because the proposed activity is not a regulated activity or is exempt under Section 404(f) of the CWA and is not recaptured, preparation of a "no permit required" letter may be appropriate, and no JD is required, so long as that letter makes clear that it is not addressing geographic jurisdiction.

6. Processing. The "Request for Corps Jurisdiction (JD)" in Appendix 1 of this RGL is intended to help both the requestor and the Corps in determining which type of JD, if any, is appropriate. When the Corps receives a request for a JD, the Corps should first explain to the requestor the various types of JDs and their characteristics to ensure that an informed decision is made by the requestor as to the type of JD the Corps will issue, if any. The Corps should discuss with the requestor the intent and purpose of the JD request rather than responding to the request through issuance of a JD without such understanding. Providing an explanation upfront as to the differences between the types of JDs and discussing what the requestor may need can help clarify which JD type may be appropriate for the requestor, if any. It is agency practice to honor requests for JDs unless it is clearly impracticable to do so, such as when the Corps is unable to gain access to a site to complete a JD or the Corps lacks other information necessary to respond to the request based on a sound technical record.
7. Coordination with U.S. Environmental Protection Agency (EPA) and posting. The Corps will continue to coordinate with EPA per applicable memoranda. The Corps will also continue to post final AJDs on Corps websites until the AJDs expire (generally five years, see RGL 05-02). PJDs will not be coordinated with EPA or posted on Corps websites.
8. This RGL remains in effect unless revised, superseded, or rescinded.



DONALD E. JACKSON
Major General, USA
Deputy Commanding General
for Civil and Emergency Operations

31 Oct 2016

Date

Appendices

Appendix 1 - REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)

To: District Name Here

- I am requesting a JD on property located at: _____
(Street Address)
City/Township/Parish: _____ County: _____ State: _____
Acreage of Parcel/Review Area for JD: _____
Section: _____ Township: _____ Range: _____
Latitude (decimal degrees): _____ Longitude (decimal degrees): _____
(For linear projects, please include the center point of the proposed alignment.)
- Please attach a survey/plat map and vicinity map identifying location and review area for the JD.
- ☐ I currently own this property. ☐ I plan to purchase this property.
☐ I am an agent/consultant acting on behalf of the requestor.
☐ Other (please explain): _____
- Reason for request: (check as many as applicable)
☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.
☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
☐ A Corps JD is required in order to obtain my local/state authorization.
☐ I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
☐ I believe that the site may be comprised entirely of dry land.
☐ Other: _____
- Type of determination being requested:
☐ I am requesting an approved JD.
☐ I am requesting a preliminary JD.
☐ I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.
☐ I am unclear as to which JD I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

*Signature: _____ Date: _____

- Typed or printed name: _____
Company name: _____
Address: _____

Daytime phone no.: _____
Email address: _____

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD:

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: County/parish/borough: City:

Center coordinates of site (lat/long in degree decimal format):

Lat.: xx.xxx° Long.: yy.yyy°

Universal Transverse Mercator:

Name of nearest waterbody:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☐ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: _____.
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☐ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: _____.
- ☐ Natural Resources Conservation Service Soil Survey. Citation: _____.
- ☐ National wetlands inventory map(s). Cite name: _____.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): _____.
or ☐ Other (Name & Date): _____.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Exhibit “I”

**SigmaPro’s verified Motion to Show Cause
and for Contempt by Petitioner**

CAUSE NO. 352-326387-21

SIGMA PRO PROPERTIES, LLC,

Plaintiff,

VS.

1817 LACEY LTD.,

Defendant.

FILED

TARRANT COUNTY

8/9/2021 2:08 PM

THOMAS A. WILDER

DISTRICT CLERK

IN THE 352nd DISTRICT COURT of
TARRANT COUNTY, TEXAS

PLAINTIFF'S VERIFIED MOTION TO SHOW CAUSE AND FOR CONTEMPT

TO THE HONORABLE JUDGE BURGESS:

On July 26, 2021, this Court entered a Temporary Injunction in this cause. The injunction required the Defendant to "remove the dirt and fill Defendant placed that is blocking the flow of water going north" and to "immediately cease all direct or indirect actions which block or impound the normal rate of flow of the unnamed tributary."

The time for compliance with the Court's order has passed and Defendant has not complied. Fill material still blocks the flow of water off Plaintiff's property, through the subject culvert under 1817 Lacey Drive and north through Defendant's property. For that reason, Plaintiff respectfully requests that the Court (1) set this matter for a show cause hearing; and (2) at the conclusion of the hearing, hold Defendant in contempt for failing to comply with this Court's Temporary Injunction.

I. Factual Background

The Court heard extensive evidence and argument at a hearing on Plaintiff's Motion for Temporary Injunction in this matter on July 23, 2021. At the conclusion of that hearing, the Court entered a Temporary Injunction against Defendant. Counsel for Defendant agreed to the form of the injunction. See Email; attached as Exhibit 1.

The plain language of the injunction requires Defendant to remove the fill it placed in the tributary that is blocking the flow of water north. It was undisputed at the hearing that, prior to Defendant's fill activities, water flowed through the culvert on Lacy Drive and north across Defendant's property. In fact, Defendant made several complaints at the hearing about this flow of water. Richard Schiller, P.E., the Director of Operations for Tarrant County, Precinct 3, testified that water should not back up at the road and its surrounding ditch areas and onto Plaintiff's property as that condition is a safety hazard and endangers the road.

In the days since Defendant was to remove the fill and return the flow of water north, water has continued to collect on the property across the street from Plaintiff's property and to back up onto Plaintiff's property. *See* Photographs; attached as Exhibit 2. Plaintiff has attempted to collaborate with Defendant regarding this issue but Defendant has indicated it will take no further action regarding the flooding and the temporary injunction. *See* Exhibit 1.

II. Evidence

In support of this Motion, Plaintiff attaches the following evidence.

- | | |
|------------------|------------------------------------------------------------------------------|
| Exhibit 1 | Emails among counsel regarding the temporary injunction and this Motion |
| Exhibit 2 | Photographs of flooding since the temporary injunction, taken August 4, 2021 |

As well, Plaintiff asks the Court to take judicial notice of all the papers and materials filed of record in this action pursuant to Rule 201 of the Texas Rules of Evidence. As this condition is dynamic, Plaintiff also reserves the right to introduce additional evidence at the hearing of this Motion.

III. Law and Arguments

This Court may enforce its injunction by holding the enjoined party in contempt for violating the injunction order. TEX. R. CIV. P. 692. Contempt can be punished by a fine or imprisonment. *Id.*

Here, the issue is simple. Defendant was to remove the fill it placed allow the flow of water north, as existed before this dispute arose. The Court expressly found this was the status quo before this dispute. *See* Temporary Injunction, para. 16. Currently, Defendant has either not removed the fill or not removed *enough* fill to return to the status quo and allow the water to drain off Plaintiff's property and flow north.

For that reason, a show cause order is appropriate and Defendant should be held in contempt. The Court should require Defendant to comply with its order and remove all fill that is blocking the flow of water going north to ensure that the hazardous conditions created by Defendant's conduct do not continue. Further, a sanction in the amount of Plaintiff's attorney's fees and costs incurred to date in this matter is appropriate for Defendant's violation.

IV. Conclusion

Defendant wrongly and unlawfully took actions to divert water by damming a tributary on its property. The Court entered a temporary injunction to alleviate the problems caused by the flooding but Defendant is refusing to comply with the terms of that injunction. Therefore, Plaintiff respectfully requests the Court enter a show cause order for a specific date and time and, at the conclusion of that hearing, enter an order holding Defendant in contempt. Plaintiff respectfully requests all other relief, either at law or equity, to which it may show itself entitled.

Respectfully submitted,

CANTEY HANGER LLP
600 W. 6th Street, Suite 300
Fort Worth, Texas 76102
Telephone: (817) 877-2800
Facsimile: (817) 877-2807

By: /s/Timothy Davis
Timothy Davis
State Bar No. 24086142
tdavis@canteyhanger.com

David Speed
State Bar No. 24070657
dspeed@canteyhanger.com

ATTORNEYS FOR PLAINTIFF

VERIFICATION

My name is Vivian Allen. I am the Support Manager for SigmaPro Engineering & Manufacturing, LLC. I have reviewed all of the factual allegations contained in Plaintiff's Verified Motion to Show Cause and for Contempt and state that they are true and correct to the best of my ability and knowledge. I further state that the photographs attached as Exhibit 2 to Plaintiff's Verified Motion to Show Cause and for Contempt are true and accurate depictions of the condition of the property on the date set out herein.

/s/Vivian Allen

VIVIAN ALLEN

CERTIFICATE OF CONFERENCE

I hereby certify that I attempted to confer with Defendant's counsel regarding this Motion. Defendant is opposed to the relief requested herein. Therefore, this Motion is presented to the Court for hearing.

/s/Timothy Davis

CANTEY HANGER, LLP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served via e-filing to the following individuals on August 9, 2021:

Melanie Okon
mokon@munckwilson.com
Munck Wilson Mandala, LLP
600 Banner Place Tower
12770 Coit Road
Dallas, Texas 75251

Roland P. Schafer
roland@bondsellis.com
Patrick D. Sheridan
patrick.sheridan@bondsellis.com
Bonds Ellis Eppich Schafer Jones LLP
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102

/s/Timothy Davis
CANTEY HANGER, LLP

EXHIBIT 1

From: [David Speed](#)
To: [Roland Schafer](#); [Tim Davis](#); [Tiffany Kahler](#)
Cc: [Teresa Biederman](#); [Sheryl Haywood](#); [Patrick Sheridan](#); [Melanie K. Okon](#)
Subject: RE: [EXTERNAL] Current photo
Date: Sunday, August 8, 2021 9:07:06 PM
Attachments: [image003.png](#)

Thank you Roland.

The clearest evidence of 1817 Lacey's non-compliance with the TI Order is the fact that water is still backed up on my client's property and is not flowing north. This did not occur until 1817 Lacey placed fill dirt in the tributary. This is the bases of our Motion to Compel/Sanctions.

Our expert went to the site and is putting together some demonstratives for our hearing that may shed some light on the specific areas of concern. However, because the majority of the tributary and fill dirt is located on your client's property and your client will not allow us to access the property to determine the exact location of the problem, we believe it is your burden to demonstrate compliance. As such, please provide us evidence clearly showing that 1817 Lacey has removed "the dirt and fill Defendant placed that is blocking the flow of water going north." The videos we produced prior to the TI hearing showed a massive amount of dirt work on 1817 Lacey. There have been no pictures produced showing that 1817 Lacey has removed all the dirt and fill in the tributary.

We will file our motions tomorrow, but will continue to work with you to hopefully reach a solution prior to the hearing. Do not hesitate to call me to discuss.

Thank you

DAVID K. SPEED, PARTNER

CANTEY HANGER LLP | 600 West 6th Street, Suite 300 | Fort Worth, Texas 76102

DIRECT 817-877-2818 | **DIRECT FAX** 817-333-2918 | **EMAIL** dspeed@canteyhanger.com

From: Roland Schafer [mailto:roland@bondsellis.com]

Sent: Saturday, August 7, 2021 7:26 PM

To: David Speed <dspeed@canteyhanger.com>; Tim Davis <tdavis@canteyhanger.com>; Tiffany Kahler <tkahler@munckwilson.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Thanks for your email, David. It's my understanding that we have complied with the court's order, but if you have evidence to the contrary, we would of course like to review it before making any final determinations.

Our intent at all times has been to comply fully with Judge Burgess' order.

I know I'm playing a little catch-up here, but what would you be moving to compel? Are you just talking about compliance with the order or is there any discovery outstanding?

You have my cell and I'll make myself available tomorrow and Monday. We too would prefer to avoid a second hearing.

Have a good rest of your weekend.

-Rollie

Roland Schafer

Bonds Ellis Eppich Schafer Jones LLP

420 Throckmorton St. | Suite 1000 | Fort Worth, Texas 76102

office 817.405.6912 | fax 817.405.6902

roland@bondsellis.com | [My Profile](#) | [vCard](#)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter.

From: David Speed <dspeed@canteyhanger.com>

Sent: Saturday, August 7, 2021 7:30 AM

To: Roland Schafer <roland@bondsellis.com>; Tim Davis <tdavis@canteyhanger.com>; Tiffany Kahler <tkahler@munckwilson.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Roland,

Again, thank you for your professional courtesy on the Rule 11.

Our expert spoke to us yesterday about his findings during his site visit. He is putting together his data and making a few demonstratives for the Court (hopefully not needed). Essentially, it is his opinion that 1817 Lacey has not removed all the fill dirt that is continuing to block the flow of water north out of the culvert. The culvert is still under water, which creates ponding on SigmaPro's property, and will not fully drain until Defendant removes at least another 12-18 inches of fill in

certain areas along the earthen ditch/unnamed tributary. Once we get his documents/pictures, I should be able to tell you the exact spots that need work. Also, because he was not able to get onto your client's property, he was not able to determine if there is a simple fix for the entire situation.

All this to say, we have evidence that your client is in violation of the TI Order. However, given your good faith in working with us over the last few day, we hope that the parties can work together to resolve this without the need to go back to Court. Please let us know by 5pm on Monday (8/9) if your client is willing to do additional dirt work to get the water flowing. If not, we will file the motion to compel and for contempt.

Thank you

DAVID K. SPEED, PARTNER

CANTEY HANGER LLP | 600 West 6th Street, Suite 300 | Fort Worth, Texas 76102
DIRECT 817-877-2818 | **DIRECT FAX** 817-333-2918 | **EMAIL** dspeed@canteyhanger.com

From: Roland Schafer [<mailto:roland@bondsellis.com>]

Sent: Friday, August 6, 2021 1:49 PM

To: Tim Davis <tdavis@canteyhanger.com>; Tiffany Kahler <tkahler@munckwilson.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Here you go, Tim.

From: Tim Davis <tdavis@canteyhanger.com>

Sent: Friday, August 6, 2021 12:50 PM

To: Roland Schafer <roland@bondsellis.com>; Tiffany Kahler <tkahler@munckwilson.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Rollie, please see the attached Rule 11 on this. Thanks for your work on this.



TIMOTHY DAVIS
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, Texas 76102

817.877.2804 - Direct Phone
817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Roland Schafer [<mailto:roland@bondsellis.com>]

Sent: Thursday, August 5, 2021 5:55 PM

To: Tiffany Kahler <tkahler@munckwilson.com>; Tim Davis <tdavis@canteyhanger.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Tim/David,

With regard to the Rule 11, we can agree to the date change/correction.

Lets talk tomorrow when you have time. I have a call at 10:00 am that will last an hour, but am otherwise available.

-Rollie

Roland Schafer

Bonds Ellis Eppich Schafer Jones LLP

420 Throckmorton St. | Suite 1000 | Fort Worth, Texas 76102

office 817.405.6912 | fax 817.405.6902

roland@bondsellis.com | [My Profile](#) | [vCard](#)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter.

From: Tiffany Kahler <tkahler@munckwilson.com>
Sent: Wednesday, August 4, 2021 3:34 PM
To: Tim Davis <tdavis@canteyhanger.com>; David Speed <dspeed@canteyhanger.com>
Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>
Subject: RE: [EXTERNAL] Current photo

Tim/David–

This email will address the show cause and motion for contempt, Rule 11 Agreement, and request to allow expert on the property this Friday.

- **Show cause and motion for contempt.** 1817 Lacey Ltd. complied with and continues to comply with the requirements set forth within the Temporary Injunction: it removed the dirt and fill material and is not taking any direct or indirect actions to block or impound the normal rate of flow. In addition to the evidentiary support set forth in the photographs contained in the zip folders previously sent, I was just informed that additional photographs will be taken today. Once I receive those, I will forward them to you for review as well. Based upon the foregoing, we oppose the show cause and motion for contempt but am hopeful we can avoid going back into court.
- **Request to Allow Expert on Property.** 1817 Lacey Ltd. does not give permission for your expert to go onto the property on Friday. I understand that your client will want the expert to review any potential settlement/solution. But, with the evidentiary support provided by 1817 Lacey Ltd., that it complied with the Temporary Injunction, the request to take pictures/measurements may be premature. If/when the time may come for potential settlement/solution, 1817 Lacey Ltd. will revisit the request.
- **Rule 11 Agreement.** I am confirming with 1817 Lacey Ltd. and will have an answer on this as soon as possible.

Tiffany A. Kahler
Associate



12770 Coit Rd., Suite 600
Dallas, TX 75251
d. +1 972.628.3669
m. +1 972.628.3600
e: tkahler@munckwilson.com
w. munckwilson.com
Connect with me on LinkedIn
[Follow Munck on LinkedIn](#)



Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by telephone at 972.628.3600 so that we may correct our records.

From: Tim Davis <tdavis@canteyhanger.com>

Sent: Wednesday, August 4, 2021 2:47 PM

To: Tiffany Kahler <tkahler@munckwilson.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Tiffany, in addition to my question below, do you agree to allow our expert on the property on Friday to review this? And, is Defendant opposed to the show cause and motion for contempt David forwarded?

Please don't hesitate to call me if you want to discuss any of these issues further.



TIMOTHY DAVIS

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, Texas 76102

817.877.2804 - Direct Phone

817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Tim Davis

Sent: Wednesday, August 4, 2021 2:38 PM

To: Tiffany Kahler <tkahler@munckwilson.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Tiffany, do you agree to a Rule 11 agreement that the TI is to read "Wednesday, July 28" as opposed to "Wednesday, August 28"?



TIMOTHY DAVIS

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, Texas 76102

817.877.2804 - Direct Phone

817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Tiffany Kahler [<mailto:tkahler@munckwilson.com>]

Sent: Wednesday, August 4, 2021 2:30 PM

To: David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>; Tim Davis <tdavis@canteyhanger.com>

Subject: RE: [EXTERNAL] Current photo

David –

I just received notification that my email did not go through because it exceeded the size limit your email sever would accept. Accordingly, I am forwarding my initial email (see below) along with zip files of the photographs. The second and third zip files will be sent in additional emails to avoid it being bounced back again.

Tiffany A. Kahler
Associate



12770 Coit Rd., Suite 600
Dallas, TX 75251
d. +1 972.628.3669
m. +1 972.628.3600
e: tkahler@munckwilson.com
w. munckwilson.com
Connect with me on LinkedIn
[Follow Munck on LinkedIn](#)



Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by telephone at 972.628.3600 so that we may correct our records.

From: Tiffany Kahler
Sent: Wednesday, August 4, 2021 2:04 PM
To: 'David Speed' <dspeed@canteyhanger.com>
Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>; Tim Davis <tdavis@canteyhanger.com>
Subject: RE: [EXTERNAL] Current photo

David –

Thank you for your email. I understand you are receiving pressure from your client to act, but 1817 Lacey Ltd. ("Defendant") has and continues to comply with the Order Granting Temporary Injunction ("TI Order") filed July 26, 2021.

The TI Order requires 1817 Lacey Ltd. to do the following:

- "Defendant shall, by 5:00 p.m. Wednesday, August 28, 2021, remove the dirt and fill Defendant placed that is blocking the flow of water going north"
- AND**
- "Defendant shall immediately cease all direct or indirect actions which block or impound the normal rate of flow of the unnamed tributary"

See TI Order at ¶¶ 19-20.

Contrary to the position set forth below, the TI Order does not require 1817 Lacey Ltd. to *ensure the water is flowing north* but that the dirt and fill **blocking the flow of water going north** be removed. 1817 Lacey Ltd. removed the dirt and fill and is not taking any direct or indirect actions to block or impound the normal rate of flow. As requested, please find attached to this email evidentiary proof that 1817 Lacey Ltd. has complied with the requirements set forth in the TI Order.

Should you have any remaining questions or concerns, please feel free to contact me.

Tiffany A. Kahler
Associate



12770 Coit Rd., Suite 600
Dallas, TX 75251
d. +1 972.628.3669
m. +1 972.628.3600
e: tkahler@munckwilson.com
w. munckwilson.com
Connect with me on LinkedIn
[Follow Munck on LinkedIn](#)



Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by telephone at 972.628.3600 so that we may correct our records.

From: David Speed <dspeed@canteyhanger.com>
Sent: Monday, August 2, 2021 2:40 PM
To: Tim Davis <tdavis@canteyhanger.com>; Melanie K. Okon <mokon@munckwilson.com>
Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Tiffany Kahler <tkahler@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>
Subject: RE: [EXTERNAL] Current photo

Melanie/Patrick,

I spoke with our client today and she said that the water looks the same as the video taken last Thursday (see the link below). It appears that the water is not flowing north as required by the TI. The water continues to pond up on both sides of the road, which did not occur until your client filled

in the tributary. As a reference, attached is a photo of the culvert prior to the fill dirt being placed.

Understandably, we are getting pressure to take action on this matter. I have a few suggestions that I believe would help everyone and hopefully avoid the need to go back to the Court:

1. If you have photo/video evidence that the water is flowing north, please send it to me so I can share with my client. Also, any evidence that the fill has been removed would be extremely helpful.
2. Would your client agree to have our expert, Jeremy Deal (he testified at the TI hearing), go onto 1817 Lacy and take pictures/measurements? Depending on his findings, it may go a long way to alleviating our client's concerns. In addition, we will want Mr. Deal to review any potential settlement/solution in this matter anyway, so it may fast track a settlement.
3. Depending on your response to the above, we may need to get a show cause hearing set a week or two out. Of course, we would continue to work with you to find a resolution and would pull down the hearing if it becomes unnecessary.

Let me know your thoughts on these items. Do not hesitate to give me a call to discuss.

Thank you

DAVID K. SPEED, PARTNER

CANTEY HANGER LLP | 600 West 6th Street, Suite 300 | Fort Worth, Texas 76102

DIRECT 817-877-2818 | **DIRECT FAX** 817-333-2918 | **EMAIL** dspeed@canteyhanger.com

From: Tim Davis

Sent: Thursday, July 29, 2021 1:54 PM

To: Melanie K. Okon <mokon@munckwilson.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Tiffany Kahler <tkahler@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

It looks like your photo is from the east of the culvert. Here is a video taken just now at the culvert. Based on our uneducated guess, if a foot or two were dug out from the culvert to where the digging was done, this water would flow. My client tells me this is fill that was placed during the dirt work that has washed to this area.

<https://vimeo.com/580867015/0609268464>



TIMOTHY DAVIS
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, Texas 76102
817.877.2804 - Direct Phone
817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Melanie K. Okon [<mailto:mokon@munckwilson.com>]

Sent: Thursday, July 29, 2021 1:17 PM

To: Tim Davis <tdavis@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood
<shaywood@munckwilson.com>; Tiffany Kahler <tkahler@munckwilson.com>

Subject: [EXTERNAL] Current photo

>

Sent from my iPhone

From: [Melanie K. Okon](#)
To: [Tim Davis](#)
Cc: [roland@bondsellis.com](#); [patrick.sheridan@bondsellis.com](#); [David Speed](#); [Catherine Hitt](#); [Teresa Biederman](#)
Subject: RE: [EXTERNAL] RE: Sigma Pro v. 1817 Lacey - Order
Date: Friday, July 23, 2021 6:14:33 PM

Thanks. You can mark me as agreed to form (but obviously not substance).

From: Tim Davis <tdavis@canteyhanger.com>
Sent: Friday, July 23, 2021 6:01 PM
To: Melanie K. Okon <mokon@munckwilson.com>
Cc: roland@bondsellis.com; patrick.sheridan@bondsellis.com; David Speed <dspeed@canteyhanger.com>; Catherine Hitt <chitt@canteyhanger.com>; Teresa Biederman <tbiederman@munckwilson.com>
Subject: Re: [EXTERNAL] RE: Sigma Pro v. 1817 Lacey - Order

Only changes were the language we worked on and the bond amount. I'll send it to the coordinator.

On Jul 23, 2021, at 5:43 PM, Melanie K. Okon <mokon@munckwilson.com> wrote:

Assuming changes were only made to paragraphs 19 and 23, I agree. Were changes made to other paragraphs?

Thanks,

Melanie

Melanie Kemp Okon

Partner
12770 Coit Rd., Ste 600
Dallas, TX 75251
(972) 628-3655 direct

<image002.png>

[Follow Munck on LinkedIn](#)

[Follow Munck on Twitter](#)

<image003.jpg>

Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by

telephone at 972.628.3600 so that we may correct our records.

From: Tim Davis <tdavis@canteyhanger.com>
Sent: Friday, July 23, 2021 4:47 PM
To: Melanie K. Okon <mokon@munckwilson.com>; roland@bondsellis.com;
patrick.sheridan@bondsellis.com
Cc: David Speed <dspeed@canteyhanger.com>; Catherine Hitt
<chitt@canteyhanger.com>
Subject: Sigma Pro v. 1817 Lacey - Order

Counsel:

Please confirm that this order accurately sets out the language we crafted at the end of today's hearing. Once you do so, I will send to the Court Coordinator and cc you.

Thank you,
Tim

<image001.jpg>

TIMOTHY DAVIS
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, Texas 76102
817.877.2804 - Direct Phone
817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: [Tiffany Kahler](#)
To: [Tim Davis](#); [David Speed](#)
Cc: [Teresa Biederman](#); [Sheryl Haywood](#); [Patrick Sheridan](#); [Roland Schafer](#); [Melanie K. Okon](#)
Subject: RE: [EXTERNAL] Current photo
Date: Wednesday, August 4, 2021 3:34:26 PM
Attachments: [image002.png](#)

Tim/David–

This email will address the show cause and motion for contempt, Rule 11 Agreement, and request to allow expert on the property this Friday.

- **Show cause and motion for contempt.** 1817 Lacey Ltd. complied with and continues to comply with the requirements set forth within the Temporary Injunction: it removed the dirt and fill material and is not taking any direct or indirect actions to block or impound the normal rate of flow. In addition to the evidentiary support set forth in the photographs contained in the zip folders previously sent, I was just informed that additional photographs will be taken today. Once I receive those, I will forward them to you for review as well. Based upon the foregoing, we oppose the show cause and motion for contempt but am hopeful we can avoid going back into court.
- **Request to Allow Expert on Property.** 1817 Lacey Ltd. does not give permission for your expert to go onto the property on Friday. I understand that your client will want the expert to review any potential settlement/solution. But, with the evidentiary support provided by 1817 Lacey Ltd., that it complied with the Temporary Injunction, the request to take pictures/measurements may be premature. If/when the time may come for potential settlement/solution, 1817 Lacey Ltd. will revisit the request.
- **Rule 11 Agreement.** I am confirming with 1817 Lacey Ltd. and will have an answer on this as soon as possible.

Tiffany A. Kahler
Associate



12770 Coit Rd., Suite 600
Dallas, TX 75251
d. +1 972.628.3669
m. +1 972.628.3600
e: tkahler@munckwilson.com
w. munckwilson.com
Connect with me on LinkedIn
[Follow Munck on LinkedIn](#)



Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by telephone at 972.628.3600 so that we may correct our records.

From: Tim Davis <tdavis@canteyhanger.com>

Sent: Wednesday, August 4, 2021 2:47 PM

To: Tiffany Kahler <tkahler@munckwilson.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Tiffany, in addition to my question below, do you agree to allow our expert on the property on Friday to review this? And, is Defendant opposed to the show cause and motion for contempt David forwarded?

Please don't hesitate to call me if you want to discuss any of these issues further.



TIMOTHY DAVIS

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, Texas 76102

817.877.2804 - Direct Phone

817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Tim Davis

Sent: Wednesday, August 4, 2021 2:38 PM

To: Tiffany Kahler <tkahler@munckwilson.com>; David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

Tiffany, do you agree to a Rule 11 agreement that the TI is to read "Wednesday, July 28" as opposed to "Wednesday, August 28"?



TIMOTHY DAVIS

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, Texas 76102

817.877.2804 - Direct Phone

817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Tiffany Kahler [<mailto:tkahler@munckwilson.com>]

Sent: Wednesday, August 4, 2021 2:30 PM

To: David Speed <dspeed@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>; Tim Davis <tdavis@canteyhanger.com>

Subject: RE: [EXTERNAL] Current photo

David –

I just received notification that my email did not go through because it exceeded the size limit your email sever would accept. Accordingly, I am forwarding my initial email (see below) along with zip files of the photographs. The second and third zip files will be sent in additional emails to avoid it

being bounced back again.

Tiffany A. Kahler
Associate



12770 Coit Rd., Suite 600
Dallas, TX 75251
d. +1 972.628.3669
m. +1 972.628.3600
e: tkahler@munckwilson.com
w. munckwilson.com
Connect with me on LinkedIn
[Follow Munck on LinkedIn](#)



Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by telephone at 972.628.3600 so that we may correct our records.

From: Tiffany Kahler
Sent: Wednesday, August 4, 2021 2:04 PM
To: 'David Speed' <dspeed@canteyhanger.com>
Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>; Melanie K. Okon <mokon@munckwilson.com>; Tim Davis <tdavis@canteyhanger.com>
Subject: RE: [EXTERNAL] Current photo

David –

Thank you for your email. I understand you are receiving pressure from your client to act, but 1817 Lacey Ltd. ("Defendant") has and continues to comply with the Order Granting Temporary Injunction ("TI Order") filed July 26, 2021.

The TI Order requires 1817 Lacey Ltd. to do the following:

- "Defendant shall, by 5:00 p.m. Wednesday, August 28, 2021, remove the dirt and fill Defendant placed that is blocking the flow of water going north"
- AND**
- "Defendant shall immediately cease all direct or indirect actions which block or impound the

normal rate of flow of the unnamed tributary"

See TI Order at ¶¶ 19-20.

Contrary to the position set forth below, the TI Order does not require 1817 Lacey Ltd. to *ensure the water is flowing north* but that the dirt and fill **blocking the flow of water going north** be removed. 1817 Lacey Ltd. removed the dirt and fill and is not taking any direct or indirect actions to block or impound the normal rate of flow. As requested, please find attached to this email evidentiary proof that 1817 Lacey Ltd. has complied with the requirements set forth in the TI Order.

Should you have any remaining questions or concerns, please feel free to contact me.

Tiffany A. Kahler
Associate



12770 Coit Rd., Suite 600
Dallas, TX 75251
d. +1 972.628.3669
m. +1 972.628.3600
e: tkahler@munckwilson.com
w. munckwilson.com
Connect with me on LinkedIn
[Follow Munck on LinkedIn](#)



Confidentiality Notice: This e-mail (including any attachments) may contain information that is private, confidential or protected by attorney-client or other privilege. It is intended solely for the use of the addressee(s) listed above. If you are not the intended recipient of this message, please do not print, copy or disclose this information. If you received this e-mail in error, please disregard it and delete it and any attachments from your system. Please also notify us by return email or by telephone at 972.628.3600 so that we may correct our records.

From: David Speed <dspeed@canteyhanger.com>
Sent: Monday, August 2, 2021 2:40 PM
To: Tim Davis <tdavis@canteyhanger.com>; Melanie K. Okon <mokon@munckwilson.com>
Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Tiffany Kahler <tkahler@munckwilson.com>; Patrick Sheridan <patrick.sheridan@bondsellis.com>; Roland Schafer <roland@bondsellis.com>
Subject: RE: [EXTERNAL] Current photo

Melanie/Patrick,
I spoke with our client today and she said that the water looks the same as the video taken last Thursday (see the link below). It appears that the water is not flowing north as required by the TI.

The water continues to pond up on both sides of the road, which did not occur until your client filled in the tributary. As a reference, attached is a photo of the culvert prior to the fill dirt being placed.

Understandably, we are getting pressure to take action on this matter. I have a few suggestions that I believe would help everyone and hopefully avoid the need to go back to the Court:

1. If you have photo/video evidence that the water is flowing north, please send it to me so I can share with my client. Also, any evidence that the fill has been removed would be extremely helpful.
2. Would your client agree to have our expert, Jeremy Deal (he testified at the TI hearing), go onto 1817 Lacy and take pictures/measurements? Depending on his findings, it may go a long way to alleviating our client's concerns. In addition, we will want Mr. Deal to review any potential settlement/solution in this matter anyway, so it may fast track a settlement.
3. Depending on your response to the above, we may need to get a show cause hearing set a week or two out. Of course, we would continue to work with you to find a resolution and would pull down the hearing if it becomes unnecessary.

Let me know your thoughts on these items. Do not hesitate to give me a call to discuss.

Thank you

DAVID K. SPEED, PARTNER

CANTEY HANGER LLP | 600 West 6th Street, Suite 300 | Fort Worth, Texas 76102

DIRECT 817-877-2818 | **DIRECT FAX** 817-333-2918 | **EMAIL** dspeed@canteyhanger.com

From: Tim Davis

Sent: Thursday, July 29, 2021 1:54 PM

To: Melanie K. Okon <mokon@munckwilson.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood <shaywood@munckwilson.com>; Tiffany Kahler <tkahler@munckwilson.com>

Subject: RE: [EXTERNAL] Current photo

It looks like your photo is from the east of the culvert. Here is a video taken just now at the culvert. Based on our uneducated guess, if a foot or two were dug out from the culvert to where the digging was done, this water would flow. My client tells me this is fill that was placed during the dirt work that has washed to this area.

<https://vimeo.com/580867015/0609268464>



TIMOTHY DAVIS
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, Texas 76102
817.877.2804 - Direct Phone
817.877.2807 - Fax

www.canteyhanger.com

Also Licensed in Kentucky and Ohio

Member of MERITAS Law Firms Worldwide

Confidentiality: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this e-mail message is confidential and is intended for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited.

Signature: Unless expressly stated in this email, nothing in this message should or can be construed as a digital or electronic signature.

From: Melanie K. Okon [<mailto:mokon@munckwilson.com>]

Sent: Thursday, July 29, 2021 1:17 PM

To: Tim Davis <tdavis@canteyhanger.com>

Cc: Teresa Biederman <tbiederman@munckwilson.com>; Sheryl Haywood
<shaywood@munckwilson.com>; Tiffany Kahler <tkahler@munckwilson.com>

Subject: [EXTERNAL] Current photo

>

Sent from my iPhone

EXHIBIT 2





Exhibit “J”

**Order granting Temporary Injunction
against Petitioner dated 3/21/22**

SIGMA PRO PROPERTIES, LLC,

Plaintiff,

VS.

1817 LACEY LTD.,

*Defendant.*IN THE 352nd DISTRICT COURT *of*
TARRANT COUNTY, TEXASORDER GRANTING TEMPORARY INJUNCTION

The Plaintiff's Motion for Temporary Injunction came before the Court for hearing on July 23, 2021. Having heard evidence and argument from both Parties and after careful consideration of the Pleadings on file and the applicable law, the Court makes the following findings and orders as follows:

1. At all relevant times, Plaintiff was the owner of and was entitled to possess real property located in Tarrant County, Texas, which is located at 13241 Harmon Road, Fort Worth, Texas 76177.

2. At all relevant times, Defendant was the owner of real property located adjacent to the property owned by Plaintiff, which is located at 1817 Lacy Drive, Fort Worth, Texas 76177.

3. Before the activities described in Paragraph 4 below, Plaintiff experienced the full use and enjoyment of its property.

4. On or about July 7, 2021 and in the days prior, Defendant, through agents or employees, placed undergrowth, soil, and debris into and across an unnamed tributary on its property, effectively impeding the natural flow of water in that tributary. That action has caused **the water in the tributary to back up, flooding Plaintiff's property.**

5. **Defendant's conduct in placing undergrowth, soil, and debris in** this unnamed

EMAILED
7/26/21

LAA

tributary and in this manner **was done without Plaintiff's knowledge, and without Plaintiff's** authorization or consent.

6. Plaintiff has established a probable right to relief on its claims against Defendant for trespass, nuisance, and negligence.

7. Defendant's actions are also a violation of Tex. Water Code § 11.086 because Defendant is diverting or impounding the natural flow of surface waters in a manner that **damages Plaintiff's property by the overflow of the water diverted or impounded.**

8. Injunctive relief, among other remedies, is available for such a violation. Tex. Water Code § 11.086(b).

9. Injunctive relief is **also available to Plaintiffs** if "irreparable injury to real or personal property is threatened, irrespective of any remedy at law." Tex. Civ. Prac. & Rem. Code § 65.011(5).

10. Defendant's actions threaten irreparable injury to Plaintiff's real or personal property because the actions are causing the Plaintiff's property to flood and the ground to over-saturate, possibly destabilizing structures on the property.

11. **If Defendant had not taken these actions, Plaintiff's property would not flood** and the ground would not over-saturate.

12. **If Plaintiff's property continues to flood, water may cover its parking lots and** prevent reasonable access into its facility. This will result in a disruption to its business, which the Court finds is an irreparable injury.

13. Plaintiff has no adequate remedy at law for its injuries, which are continuing. **The damage caused to Plaintiff's use and enjoyment of its property** constitute an extreme hardship and cannot be accurately calculated or cannot be measured by any certain pecuniary standard, especially if Plaintiff is not afforded injunctive relief. Not only do these losses include property damage but Plaintiff has established that its business operation will be

interrupted if its property floods, leading to work stoppages and lost profits. Disruption to a **company's business are types of injuries that establish irreparable injury, as assigning a dollar value to such intangibles is difficult.** *Frequent Flyer Depot, Inc. v. American Airlines, Inc.*, 281 S.W.3d 215, 228-229 (Tex. App.-Fort Worth 2009, pet. denied). **"Moreover, assigning a dollar amount to such intangibles as a company's loss of clientele, goodwill, marketing techniques, and office stability, among others, is not easy."** *Id.* at 228.

14. A temporary injunction is necessary in this matter to preserve the status quo. **"Status quo is defined as 'the last, actual, peaceable, noncontested status which preceded the pending controversy.'"** *Lifeguard Benefit Services, Inc. v. Direct Med. Network Sols., Inc.*, 308 S.W.3d 102, 114 (Tex. App.—Fort Worth 2010, no pet.) (quoting *Universal Health Servs., Inc. v. Thompson*, 24 S.W.3d 570, 577 (Tex. App.-Austin 2000, no pet.)).

15. **"If an act of one party alters the relationship between that party and another, and the latter contests the action, the status quo cannot be the relationship as it exists after the action."** *Id.* (quoting *Benavides ISD v. Guerra*, 681 S.W.2d 246, 249 (Tex. App.-San Antonio 1984, writ ref'd n.r.e.)).

16. The status quo is the condition of the tributary as it existed, then, before **Defendant's actions caused the flooding and when the water was allowed to flow in its natural state.**

17. A mandatory temporary injunction, requiring Defendant to take affirmative action, is warranted **due to the extreme hardship caused by Defendant's actions.** *See Boatman v. Lites*, 888 S.W.2d 90, 93 (Tex. App.—Tyler 1994, no writ) (holding mandatory injunction requiring removal of dirt berm was necessitated by evidence that adjacent landowners would suffer irreparable harm from water run-off caused by berm: "Had the [trial] court ordered a temporary injunction, without making the order mandatory in nature, the order would have been useless.").

IT IS, THEREFORE, ORDERED that:

18. **Plaintiff's Motion for Temporary Injunction is GRANTED;**

19. Defendant shall, by 5:00 p.m. Wednesday, August 28, 2021, remove the dirt and fill Defendant placed that is blocking the flow of water going north; and

20. Defendant shall immediately cease all direct or indirect actions which block or impound the normal rate of flow of the unnamed tributary;

21. This Order, pursuant to Rule 683 of the Texas Rules of Civil Procedure, is binding upon the Parties to this action, their officers, agents, servants, employees, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise;

22. Trial in this matter is set for 3-21-22;

23. Bond is hereby fixed at \$500,000.

IT IS SO ORDERED.

Signed this 26th day of July, 2021 at 2:50 a.m./p.m. 



JUDGE PRESIDING

Exhibit “K”

**Order granting Temporary Restraining Order
issued 7/21/21 against Petitioner**

CAUSE NO.: 352-326387-21

SIGMA PRO PROPERTIES, LLC,

Plaintiff,

VS.

1817 LACEY LTD.,

Defendant.

IN THE DISTRICT COURT *of*
TARRANT COUNTY, TEXAS

Amended ORDER GRANTING TEMPORARY RESTRAINING ORDER

Pending before the Court is an Application for Temporary Restraining Order filed by Plaintiff, Sigma Pro Properties, LLC. Due to the exigent circumstances set forth in Plaintiff's Verified Petition, the Court has considered the application on an emergency, ex parte basis. After careful consideration of Plaintiff's verified pleading, the evidence cited therein and attached thereto, and the applicable law, the Court finds Plaintiff's application to be meritorious and makes the following findings.

1. At all relevant times, Plaintiff was the owner of and was entitled to possess real property located in Tarrant County, Texas, which is located at 13241 Harmon Road, Fort Worth, Texas 76177.

2. At all relevant times, Defendant was the owner of real property located adjacent to the property owned by Plaintiff, which is located at 1817 Lacy Drive, Fort Worth, Texas 76177.

3. Before sustaining the damages and injuries complained of in its petition, Plaintiff experienced the full use and enjoyment of its property.



SW

4. On or about July 7, 2021 and in the days prior, Defendant, through agents or employees, placed undergrowth, soil, and debris into and across an unnamed tributary on its property, effectively impeding the natural flow of water in that tributary, which is causing the water in the tributary to back up, flooding **Plaintiff's property**.

5. The Court has reviewed evidence of Defendant's current activities and the resulting flood damage to Plaintiff's property.

6. **Defendant's conduct in placing undergrowth**, soil, and debris in this unnamed tributary was done without **Plaintiff's knowledge, and without Plaintiff's authorization or consent**.

7. Plaintiff has established a probable right to relief. If its claims are ultimately established, Defendant will be liable for trespass.

8. Plaintiff has established that it will suffer a probable injury in the interim for which it will have no adequate remedy at law. An injury is irreparable if the injured party cannot be adequately compensated in damages, or if the damages cannot be measured by any certain pecuniary standard. *Butnara v. Ford Motor Co.*, 84 S.W. 3d 198, 204 (Tex. 2002); ***T.L. v. Cook Children's Med. Ctr.***, 607 S.W.3d 9,35 (Tex. App.-Fort Worth 2020, pet. denied) (citing *Butnara*).

9. Plaintiff has demonstrated a probable and irreparable injury will occur if the Court does not prevent and enjoin these actions. Defendant, by continuing to frustrate Plaintiff's use and enjoyment of its property, is attempting to deprive Plaintiff of its property rights. The manner in which Defendant is engaging in this conduct is both known and unknown at this time. Thus, if the actions of Defendant are not restrained immediately, Plaintiff will suffer an injury for which it cannot be adequately compensated in damages and

that cannot be measured by any certain pecuniary standard.

IT IS, THEREFORE, ORDERED that Defendants must:

10. Remove all undergrowth, soil, and debris that Defendant's agents or employees placed in the unnamed tributary on **Defendant's property** until the water flows through the tributary at its normal rate of flow; and

11. Immediately cease all direct or indirect actions which block or impound the normal rate of flow of the unnamed tributary.

12. This Order shall automatically expire (unless extended by further order of the Court) at midnight on the 14th day after this Order is signed. Thus, this Order shall expire (unless extended by further order of the Court) on July 21, 2021.

13. A temporary injunction hearing is hereby set on July 21, 2021. at 11:00 a.m.

14. Plaintiff shall post a bond of \$ 1,000.00.

IT IS SO ORDERED.

Signed this 7th day of July, 2021 at July 3:00 ~~a.m.~~ p.m.



JUDGE PRESIDING

Exhibit “L”

E-mail dated June 18, 2020, from Mr. Simpson

CAUSE NO.: 352-326387-21

SIGMA PRO PROPERTIES, LLC,

Plaintiff,

VS.

1817 LACEY LTD.,

Defendant.

IN THE DISTRICT COURT *of*
TARRANT COUNTY, TEXAS

Amended ORDER GRANTING TEMPORARY RESTRAINING ORDER

Pending before the Court is an Application for Temporary Restraining Order filed by Plaintiff, Sigma Pro Properties, LLC. Due to the exigent circumstances set forth in Plaintiff's Verified Petition, the Court has considered the application on an emergency, ex parte basis. After careful consideration of Plaintiff's verified pleading, the evidence cited therein and attached thereto, and the applicable law, the Court finds Plaintiff's application to be meritorious and makes the following findings.

1. At all relevant times, Plaintiff was the owner of and was entitled to possess real property located in Tarrant County, Texas, which is located at 13241 Harmon Road, Fort Worth, Texas 76177.

2. At all relevant times, Defendant was the owner of real property located adjacent to the property owned by Plaintiff, which is located at 1817 Lacy Drive, Fort Worth, Texas 76177.

3. Before sustaining the damages and injuries complained of in its petition, Plaintiff experienced the full use and enjoyment of its property.



SW

4. On or about July 7, 2021 and in the days prior, Defendant, through agents or employees, placed undergrowth, soil, and debris into and across an unnamed tributary on its property, effectively impeding the natural flow of water in that tributary, which is causing the water in the tributary to back up, flooding **Plaintiff's property**.

5. The Court has reviewed evidence of Defendant's current activities and the resulting flood damage to Plaintiff's property.

6. **Defendant's conduct in placing undergrowth**, soil, and debris in this unnamed tributary was done without **Plaintiff's knowledge, and without Plaintiff's authorization or consent**.

7. Plaintiff has established a probable right to relief. If its claims are ultimately established, Defendant will be liable for trespass.

8. Plaintiff has established that it will suffer a probable injury in the interim for which it will have no adequate remedy at law. An injury is irreparable if the injured party cannot be adequately compensated in damages, or if the damages cannot be measured by any certain pecuniary standard. *Butnara v. Ford Motor Co.*, 84 S.W. 3d 198, 204 (Tex. 2002); ***T.L. v. Cook Children's Med. Ctr.***, 607 S.W.3d 9,35 (Tex. App.-Fort Worth 2020, pet. denied) (citing *Butnara*).

9. Plaintiff has demonstrated a probable and irreparable injury will occur if the Court does not prevent and enjoin these actions. Defendant, by continuing to frustrate Plaintiff's use and enjoyment of its property, is attempting to deprive Plaintiff of its property rights. The manner in which Defendant is engaging in this conduct is both known and unknown at this time. Thus, if the actions of Defendant are not restrained immediately, Plaintiff will suffer an injury for which it cannot be adequately compensated in damages and

that cannot be measured by any certain pecuniary standard.

IT IS, THEREFORE, ORDERED that Defendants must:

10. Remove all undergrowth, soil, and debris that Defendant's agents or employees placed in the unnamed tributary on **Defendant's property** until the water flows through the tributary at its normal rate of flow; and

11. Immediately cease all direct or indirect actions which block or impound the normal rate of flow of the unnamed tributary.

12. This Order shall automatically expire (unless extended by further order of the Court) at midnight on the 14th day after this Order is signed. Thus, this Order shall expire (unless extended by further order of the Court) on July 21, 2021.

13. A temporary injunction hearing is hereby set on July 21, 2021. at 11:00 a.m.

14. Plaintiff shall post a bond of \$ 1,000.00.

IT IS SO ORDERED.

Signed this 7th day of July, 2021 at July 3:00 ~~a.m.~~ p.m.



JUDGE PRESIDING

Exhibit “M”

Voicemail from Mr. Simpson to Mr. Berman

1:15



Robert >



Siri found updated contact info

Robert Berman (214) 618-6613 update...



Let's just put it on. OK?



Today 1:12 PM

New voicemail from +1
972-783-6384 (00:48):

Hey Robert, this is Hugh Simpson.
I'm your neighbor across the street

... your neighbor across the street
that you guys are dumping that
water. That's actually plugging up in
our ditch, and I guess ultimately
when we get rain runoff back to The
Ponds. I need to talk to you about
that. I'm getting complaints from my
tenant about the smell. So do give
me a call. 214-618-6613. I don't
want to make too big of a stink, but I
just I went by the other day and I
saw that because my tenant was
complaining and Kaboom and I just I
need I need from you. Again. He's
Simpson 214-918-6613. If I don't
hear from you, then I will escalate
this appreciate it bud. Thanks wage.

To listen to this message, call +1
650-503-4700



Text Message



Get [Outlook for iOS](#)

Exhibit “N”

E-mail Exchange evidencing Soil and Water Testing

Kurt Hinds

From: Hugh Simpson <hsimpson@Simpsonlaw.org>
Sent: Thursday, October 15, 2020 4:37 PM
To: Kurt Hinds (kurt.hinds@sbcglobal.net)
Subject: Sigma Pro Update

Kurt

All soil and water samples came back...no contamination which is good news. Looks like this entire matter was all about the money...freeing up to \$2,000 cash at 9500 gallons per day to be haul off and treat the waste water. Temporary restraining order (TRO) about to be dropped along with the lawsuits. Dave Underwood signed TCEQ application as the PE so he is involved now...personally. The man knew exactly what he was doing deceiving TCEQ during the application process to garner the permit. It will be interesting to see if this money was plowed back into the company or shoved into his own back pocket.

Love the weather though!

Hugh D. Simpson

Business Manager

1755 N. Collins Blvd.

Suite 105

Richardson, TX 75080

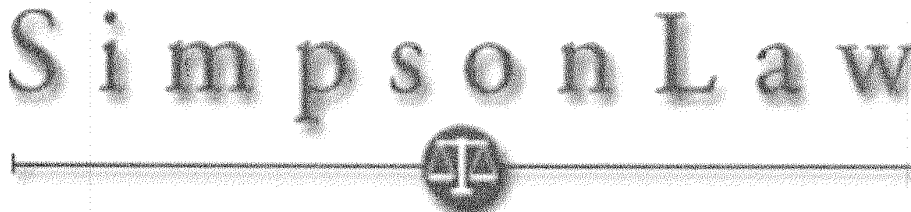
Law Ph: 972.783.6384

Title Ph: 972.783.0079

Fax: 972.783.2573

www.simpsonlaw.org

hsimpson@simpsonlaw.org



CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED HEREIN IS PERSONAL AND CONFIDENTIAL AND INTENDED ONLY FOR USE BY THE PERSON(S) NAMED ABOVE. THIS E-MAIL (INCLUDING ANY ATTACHED FILES) MAY CONTAIN CONFIDENTIAL INFORMATION WHICH IS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY INSTRUCTED NOT TO READ THIS INFORMATION AND YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS HEREOF IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT 972-783-6384 OR BY E-MAIL AT HSIMPSON@SIMPSONLAW.ORG AND DELETE THE ORIGINAL MESSAGE AND ANY ATTACHED DOCUMENTS/FILES. ALL RIGHTS RESERVED.

INTERNAL REVENUE SERVICE CIRCULAR 230 DISCLOSURE

TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION IF ANY (INCLUDING ANY ATTACHMENTS) IS NOT

Exhibit “O”
TCEQ Investigation Report

MWD_WQ0015722001_CI_20201113_COMPLIANCE
Texas Commission on Environmental Quality
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: SigmaPro Properties, LLC
Customer Number: CN605566363

Regulated Entity Name: SIGMAPRO WWTP
Regulated Entity Number: RN110487162

COPY

Investigation # 1684156

Incident Numbers

340975

Investigator: JENNA HOWELL

Site Classification DOMESTIC MINOR
DOMESTIC REUSE
AUTHORIZATION

Conducted: 09/15/2020 -- 09/15/2020

No Industry Code Assigned

Program(s): WASTEWATER

Investigation Type: Compliance Investigation

Location:

Additional ID(s): WQ0015722001
TX0138754
R15722001

Address: 13241 HARMON RD,
FORT WORTH, TX , 76177

Local Unit: REGION 04 - DFW METROPLEX
Activity Type(s): WWCMP - WW Complaint
WWFRR - WW NOV File Record
Review

Principal(s):

Role	Name
RESPONDENT	SIGMAPRO PROPERTIES LLC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY MAIL CONTACT	OWNER	MR DAVID UNDERWOOD	Phone (682) 888-1234
PARTICIPATED IN	OPERATOR	MR JOHN LEACH	Work (682) 888-1234
REGULATED ENTITY CONTACT	CONTRACT OPERATOR	MR BILL TATUM	Work (817) 235-1366

Other Staff Member(s):

Role	Name
Supervisor	GREG DIEHL
QA Reviewer	HART NOLTE-ROTH

Associated Check List**Checklist Name**

WQ COMPLAINT INVESTIGATION

Unit Name

SigmaPro - Complaint

Investigation Comments:**INTRODUCTION**

On August 17, 2020, the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office received a complaint alleging that the SigmaPro Wastewater Treatment Plant (WWTP) in Fort Worth (Tarrant County), Texas is not discharging in accordance with their permit. The complaint was investigated on September 15, 2020 by TCEQ Water Quality Investigator Jenna Howell. The allegations were not substantiated; however, several unrelated violations were cited.

GENERAL FACILITY AND PROCESS INFORMATION

SigmaPro Properties LLC owns and operates the SigmaPro WWTP, which is authorized to discharge a daily average flow not to exceed 0.0095 million gallons per day (MGD) and a 2-hour peak flow of 16.5 gallons per minute (gpm) of treated effluent at Outfall #001. There are no lift stations in the collection system as the WWTP only serves the SigmaPro manufacturing facility. The facility is not permitted to treat industrial wastewater and only serves to treat domestic wastes produced at the facility.

BACKGROUND

This is a new facility, so no prior complaints have been received and there have been no prior investigations at the site. The plant start-up date is September 23, 2019 but according to Mr. Bill Tatum, Contract Operator, the facility did not begin discharging until April 2020. A reconnaissance investigation was conducted in conjunction with this complaint investigation (see Investigation No. 1685390).

The incident was entered as Incident No. 340975 and is associated to this investigation.

ADDITIONAL INFORMATION

The Investigator contacted the complainant on August 20, 2020 via phone. The complainant stated several complaints about the SigmaPro WWTP including that the facility was not discharging along the permitted discharge route, was exceeding the permitted flow limit, and was discharging untreated industrial process water rather than domestic wastewater effluent. Additionally, the complainant stated that SigmaPro Properties LLC did not inform all the surrounding property owners during the permit application process and that the permit application contains many errors.

The Investigator conducted an unannounced site visit at the SigmaPro WWTP on September 15, 2020 and met with Mr. John Leach, Operator-in-training. An additional issue is being cited in this report stating that Mr. Leach must become a licensed operator within a year of becoming an operator-in-training. The Investigator observed that the WWTP was discharging along the permitted discharge route, however, it was ponding on private property to the north. The discharge did not appear to be continuing downstream and was instead evaporating from the ponded area.

During the investigation, the Investigator observed floating sludge in the clarifier, which is cited as a violation in this report. Another violation was cited because the facility was using pool chlorine tablets instead of approved tablets for wastewater treatment. The facility submitted photos the next day indicating they had purchased the correct type of chlorine tablets, so this violation was resolved.

A verbal exit interview, explaining the results of the investigation, was conducted on the same day of the investigation with Mr. Leach. A copy of the TCEQ Exit Interview Form was received by Mr. Tatum on September 15, 2020 via email. A record request of the facility's operations and sampling data was included in the Exit Interview Form and was received on September 28, 2020. During the review of the sampling data, it was noted that there are many discrepancies between the lab results and the values reported on the Discharge Monitoring Reports (DMRs). This is cited as a violation in this report, for the full list of discrepancies, please see Attachment 1. A revised TCEQ Exit Interview Form was received by Mr. Tatum on October 23, 2020 via email.

Effluent samples were collected by the Investigator after the final treatment unit immediately after the V-notch weir. The sample analysis results (COC #W010282 and W010288) are attached to this report. The sample results were compliant with the permit limits.

9/15/2020 Inv. # - 1684156

Page 3 of 5

Since the facility was discharging along the permitted discharge route, was not exceeding the permitted flow limit, and appeared to be discharging domestic wastewater as permitted, the complaint allegations could not be substantiated. The allegations that the permit application contained errors could not be evaluated by the Investigator since she is not in the Permitting Section. Therefore, the Investigator discussed the permit application errors with Mr. Hollis Henley with the Environmental Law Division and Mr. Firoj Vahora, with the Municipal Permitting Section. According to Mr. Vahora, the Permitting Team cannot investigate allegations of errors in a permit application until they receive a petition to investigate the permit.

As required, a letter and copy of this report was mailed to both the respondent and the complainant. Three violations and an additional issue are being issued as a result of this investigation.

NOV Date 11/13/2020 **Method** WRITTEN

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF VIOLATION**

Track Number: 762333

Compliance Due Date: 12/13/2020

Violation Start Date: 9/15/2020

30 TAC Chapter 305.125(5)

EPA ID TX0138754, Operational Requirements No. 1, page 13

PERMIT WQ0015722001, Operational Requirements No. 1, page 13

Alleged Violation:

Investigation: 1684156

Comment Date: 10/28/2020

Failed to properly maintain the facility. Specifically, there were floating solids in the clarifier.

Recommended Corrective Action: Submit documentation to the DFW Region Office that the floating solids have been removed from the clarifier and weir area.

Track Number: 762334

Compliance Due Date: 12/13/2020

Violation Start Date: 9/15/2020

30 TAC Chapter 319.1

Alleged Violation:

Investigation: 1684156

Comment Date: 10/28/2020

Failed to accurately complete the discharge monitoring reports (DMRs). Specifically, DO, TSS, TCR, NH₃N, and BOD were reported incorrectly during the period of May to July 2020. See the attached table.

Recommended Corrective Action: All effluent data must be accurately reported on all DMRs. Correct and resubmit the DMRs for the period of May to July 2020 to the DFW Region Office and the Enforcement Division (MC 224).

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track Number: 762332

Resolution Status Date: 10/28/2020

Violation Start Date: 9/15/2020

Violation End Date: 9/16/2020

30 TAC Chapter 217.282

EPA ID TX0138754, Permit Conditions No. 4(a)(ii), page 11

PERMIT WQ0015722001, Permit Conditions No. 4(a)(ii), page 11

Alleged Violation:

Investigation: 1684156

Comment Date: 10/28/2020

Failure to use disinfection chemicals approved for wastewater treatment. Specifically, the facility was using chlorine tablets for swimming pools rather than tablets for wastewater treatment.

Recommended Corrective Action: Submit documentation to the DFW Region Office that the facility is using approved chlorine tablets.

Resolution: On September 16, 2020, the DFW Region Office received documentation that the facility is using approved chlorine tablets.

Additional Issues

Description

Item 4

Additional Comments

During the investigation it was noted that Mr. John Leach is an operator-in-training. An operator-in-training must perform all process control tasks in the presence of a licensed operator and may only be an operator-in-training for a period no longer than 1 year. On March 9, 2020, Mr. Leach applied for a level D wastewater operator license. Please ensure that Mr. Leach is supervised by a licensed operator and becomes a licensed operator within a year of becoming an operator-in-training.

Signed

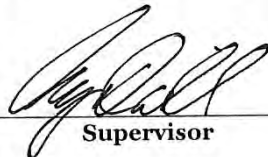


Environmental Investigator

Date

11-10-20

Signed



Supervisor

Date

11/10/20

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : NOV

☐ Investigation Report

☒ Sample Analysis Results

☐ Manifests

☐ Notice of Registration

☐ Maps, Plans, Sketches

☒ Photographs

☒ Correspondence from the facility

☒ Other (specify) :

ICIS data Request

DMR Typos

Exit Interview Form (x2)

List of Attached files

SigmaPro Compl - Attachment Typos.pdf

SigmaPro Compl - EIF1.pdf

SigmaPro Compl - EIF2.pdf

SigmaPro Compl - ICIS2.pdf

SigmaPro Compl - photos.pdf

SigmaPro Compl - sample results.pdf