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DUGGINS  
WREN  
&  
MANN &  
ROMERO, LLP

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2022 APR 21 PM 2:08

CHIEF CLERKS OFFICE

One American Center  
600 Congress  
Suite 1900  
Austin, TX 78701

April 21, 2022

P.O. Box 1149  
Austin, TX 78767

p: 512.744.9300  
f: 512.744.9399  
www.dwmrlaw.com

Via Hand Delivery

Toby Baker  
Executive Director  
Texas Commission on Environmental Quality  
12015 Park 35 Circle, Bldg. F, Ste. 4208  
Austin, Texas 78753

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APR 21 2022

EXECUTIVE OFFICE

RE: Petition to Revoke TPDES Permit No. WQ0015722001

Dear Mr. Baker:

1817 Lacey, Ltd. respectfully submits the enclosed Petition to Revoke TPDES Permit No. WQ0015722001 pursuant to Title 30, Section 305.66 of the Texas Administrative Code. By delivery of this letter and the enclosed documents, 1817 Lacey, Ltd. requests that the Executive Director's office file the petition with the Texas Commission on Environmental Quality, in accordance with Subsection 305.66(d).

1817 Lacey, Ltd. appreciates your attention to this matter. If you or your staff have any questions or concerns, please do not hesitate to contact me at (512) 705-0256 or Don Lewis at (512) 495-8830.

Yours truly,

Casey Bell  
cbell@dwmrlaw.com

Enclosure

cc: TCEQ Chief Clerk w/enc.

**TPDES PERMIT NO. WQ0015722001**

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

**PETITION TO REVOKE TPDES PERMIT**

TO THE HONORABLE COMMISSIONERS:

Pursuant to 30 Texas Administrative Code (“TAC”) § 305.66, 1817 Lacey, Ltd. (“Lacey” or “Petitioner”) files this petition requesting an order from the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) revoking or suspending TPDES Permit No. WQ0015722001 (the “Permit”), issued on March 21, 2019 to SigmaPro Properties, LLC, located at 13241 Harmon Road, Fort Worth, Texas 76177 (“SigmaPro” or “Permittee”).

**SUMMARY**

The basis for this petition is straightforward: In its application for the Permit (“the Permit Application”)<sup>1</sup>, SigmaPro provided the TCEQ with false information on the landowner map and the sheet attached to the landowner map, thereby depriving Petitioner of the notice required under the Texas Water Code and TCEQ rules.

Specifically, SigmaPro misrepresented the owner of 1817 Lacy Drive, the property immediately adjacent to the wastewater discharge point authorized by the Permit, which discharge directly and negatively affects Petitioner’s property. Petitioner owns 1817 Lacy Drive and has since 2005. On the landowner map and the affected landowner information sheet attached to the landowner map it submitted with the Permit Application, SigmaPro falsely identified a different

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<sup>1</sup> A copy of the Permit Application, as provided from the TCEQ to Petitioner in response to a Public Information Request (PIR), is attached as Exhibit A. For ease of reference in this petition, page numbers have been added at the bottom center of each page.

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entity as owning 1817 Lacy Drive. As a result, the TCEQ Chief Clerk did not mail notice to Petitioner of either (1) the Notice of Receipt of Application and Intent to Obtain Permit (“NORI”) or (2) the Executive Director’s Notice of Application and Preliminary Decision (“NAPD”), as was required under applicable TCEQ rules.

Petitioner never received any notice of the NORI or the NAPD and was therefore deprived of the opportunity to which it was legally entitled to submit public comments on the Permit Application and to request a contested case hearing on the Permit Application, both of which it most certainly would have done had it received the notice that was required under the law.

### **FACTUAL BACKGROUND**

SigmaPro filed the Permit Application on or about August 30, 2018, seeking authorization to discharge treated domestic wastewater from its property at an average daily flow not to exceed 9,500 gallons per day. The Permit was issued by the TCEQ on March 21, 2019.

As demonstrated by the online records of the Tarrant County Appraisal District (TCAD), Petitioner has owned 1817 Lacy Drive since July 2005.<sup>2</sup> The interactive map linked to on the TCAD account webpage for 1817 Lacy Drive also shows the property where SigmaPro’s wastewater treatment facility and discharge point authorized by the Permit are located (Account 07157029) – which is right across Lacy Drive.<sup>3</sup> All of this information is, and was, publicly available at the time SigmaPro filed the Permit Application.

Petitioner’s property at 1817 Lacy Drive is marked as “4” on the Landowner Map included by SigmaPro in Attachment C included in the Permit Application.<sup>4</sup> There is a corresponding

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<sup>2</sup> See Exhibit B, a printout of the TCAD account webpage for Petitioner’s property at 1817 Lacy Drive, and Exhibit C, (Account 06985513), a printout of the interactive map linked on that webpage.

<sup>3</sup> See Exhibit C.

<sup>4</sup> See Exhibit A at p. 54.

Affected Landowner Information sheet included as part of Attachment C, on which SigmaPro falsely states that “Closner Equipment Co Inc” is the owner of property “4” on the Landowner Map.<sup>5</sup> 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” at the time the Permit Application was filed, and remains the owner today. Critically, SigmaPro’s misrepresentation resulted in a lack of notice to Petitioner of the NORI and the NAPD. Nowhere on the Landowner Map or the accompanying Affected Landowner Information sheet, or anywhere else in the Permit Application, is Petitioner’s name or mailing address provided as an affected landowner, as it should have been.

The mailing labels included by SigmaPro in the Permit Application for the mailed notice from the TCEQ Chief Clerk to affected landowners required by TCEQ rules also falsely list Closner Equipment as an affected landowner and completely fail to include 1817 Lacey, Ltd. as an affected landowner to whom notice of the NORI and NAPD should be mailed.<sup>6</sup> In addition, on Attachment E to the Permit Application, the Buffer Zone Map, SigmaPro again misrepresented Closner Equipment Co. Inc. as the owner of 1817 Lacy Drive.<sup>7</sup>

As demonstrated by the Affidavit of Mabel Simpson, President of the general partner of 1817 Lacey, Ltd., Petitioner did not receive any notice of the Permit Application.<sup>8</sup> SigmaPro’s failure to provide the correct landowner information in the Permit Application deprived Petitioner

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<sup>5</sup> See Exhibit A at p. 55.

<sup>6</sup> See Exhibit A at pp. 97-98. These are revised landowner mailing labels that SigmaPro provided in response to a comment letter from TCEQ permitting staff. See Exhibit D, September 13, 2018 letter from Velma Fuller, TCEQ Water Quality Division, and September 18, 2018, letter from Janet Sims from Perkins Engineering Consultants, Inc. on behalf of SigmaPro. Petitioner could not identify or locate the original mailing labels for the affected landowners in the documentation provided to Petitioner from the TCEQ in response to the PIR for the permit file.

<sup>7</sup> See Exhibit A at p. 62.

<sup>8</sup> See Exhibit D, Affidavit of Mabel Simpson.

of any opportunity to contest the Permit Application. The TCEQ's file for the Permit demonstrates that the Chief Clerk did not mail notice of the NORI or the NAPD to Petitioner— through no fault of the Chief Clerk, but rather because SigmaPro gave the Chief Clerk false and misleading information regarding the owners of property adjacent to the site of the proposed wastewater discharge point. Ms. Simpson's affidavit also shows that Petitioner would have vigorously opposed the Permit Application, had Petitioner received proper notice of the NORI and NAPD.<sup>9</sup>

### **LEGAL ARGUMENT**

The provisions of 30 TAC § 305.66, relating to permit revocation or suspension, were created for just this kind of situation. Subsection (a) states that a TCEQ permit may be suspended or revoked for good cause at any time after an opportunity for hearing, and that good cause includes “(4) the permittee's failure in the application or hearing process to disclose fully all relevant facts, or the permittee's misrepresentation of relevant facts at any time,” and further includes “(10) such other cause sufficient to warrant termination or suspension of the authorization.” Subsection (f) goes on to provide that the TCEQ may revoke a permit upon a finding that “(3) the permit holder or applicant 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 ....”

The correct identity of the owners of the property adjacent to SigmaPro's proposed wastewater treatment facility and wastewater discharge point were relevant facts material to the Permit Application because the Texas Water Code requires that notice of an application for a permit be given to the persons who in the judgment of the TCEQ may be affected by the

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<sup>9</sup> See Exhibit D.

application.<sup>10</sup> Through its adoption of the applicable rules for notice of TPDES permits like the Permit at issue here, the TCEQ determined that owners of adjacent properties as identified by the applicant for the permit may be affected by such permit applications and should thus receive mailed notice of the NORI and the NAPD.<sup>11</sup>

SigmaPro's complete failure to correctly identify in the Permit Application materials the owner of an adjoining tract – across which the requested discharge would flow – constitutes a clear basis upon which to apply 30 TAC § 305.66. The TCEQ should convene a public hearing and find good cause to revoke the Permit, which was obtained without providing notice to a directly affected adjacent landowner as a result of SigmaPro's misrepresentation of a critical fact in the Permit Application.

Subsection (d) of 30 TAC § 305.66 provides that a person affected by the issuance of a TCEQ permit may initiate proceedings for revocation or suspension by forwarding a petition to the executive director to be filed with the TCEQ. Petitioner has forwarded this Petition to the executive director for filing with the TCEQ and hereby requests initiation of proceedings to revoke the Permit.

Subsection (e) of 30 TAC § 305.66 provides that an affected person must serve notice of the intention and a copy of the petition to be filed on the permittee by, *inter alia*, certified mail, sent to the permittee's last address of record with the TCEQ, at least 15 days before the petition for revocation or suspension is submitted to the executive director or filed with the TCEQ for further proceedings. The affidavit of Casey A. Bell shows that Petitioner fulfilled this requirement

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<sup>10</sup> Tex. Water Code § 26.028(a).

<sup>11</sup> See 30 TAC § 39.551(b)(1), (c)(2); 30 TAC § 39.418(b)(2); 30 TAC § 39.413(1).

by mailing to SigmaPro's last address of record with the TCEQ via certified mail a copy of this petition and notice of Petitioner's intention to file same.<sup>12</sup>

Finally, subsection (g) of 30 § TAC 305.66 provides that revocation of a permit is predicated on a finding that the violation at issue is "significant," and that the permit holder or applicant has not made a substantial attempt to correct the violation. In this case, the violation – failure to provide truthful and accurate landowner information – was obviously significant in that it resulted in the complete deprivation of notice and opportunity to comment on the part of a neighboring landowner who was and is profoundly affected by the permitted discharge, and who would have vigorously opposed the Permit Application had notice been given. The TCEQ's adoption of rules that require mailed notice of a NORI and NAPD to adjacent landowners identified in the permit application<sup>13</sup> signifies a fundamental policy choice by the TCEQ that a TPDES permit should not be granted in the absence of such notice.

SigmaPro has not made any attempt to correct the violation, which was brought to its attention by letter sent in August 2020. Instead, despite having knowledge that it provided false information in the Permit Application regarding the owner of the property immediately adjacent to the wastewater discharge point, SigmaPro has rested upon the issuance of the Permit by the TCEQ to continue its wastewater discharge, in blatant disregard of the applicable rules. Its submission of false and inaccurate adjacent landowner information in the Permit Application, and the resulting lack of notice, cannot be retroactively cured by any conduct on the part of SigmaPro, and further, SigmaPro has not made any attempt whatsoever to correct its wrongdoing in this matter.

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<sup>12</sup> See Exhibit E, Affidavit of Casey A. Bell.

<sup>13</sup> See 30 TAC § 39.551(b)(1), (c)(2); 30 TAC § 39.418(b)(2); 30 TAC § 39.413(1).

The discharges from SigmaPro's property, as authorized by the Permit, have caused Petitioner substantial difficulties and harm to its property and to the business that is conducted on the property.<sup>14</sup> A significant amount of water, discharged by SigmaPro, flows onto and creates pools on Petitioner's property. The wastewater discharges authorized by the Permit have killed vegetation in its path and form stagnant green-algae ponds that saturate the ground and emit foul odors.<sup>15</sup> That this would occur would have been clear to Petitioner had it had a chance to review the Permit Application before the Permit was issued, given the flow line and natural contours of the property. Had Petitioner been provided notice of the Permit Application, as required under the law, Petitioner could have and would have objected, described the potential problem to TCEQ permitting staff, requested a contested case hearing, and availed itself of all other available administrative avenues to protest and oppose the Permit Application.<sup>16</sup>

#### **CONCLUSION AND REQUEST FOR RELIEF**

For the foregoing reasons, Petitioner 1817 Lacey, Ltd. respectfully requests that the TCEQ issue notice and provide opportunity for public hearing on this Petition to Revoke TPDES Permit No. WQ0015722001, as provided for by 30 TAC § 305.66. Following such a hearing, the TCEQ should find that good cause exists to revoke the Permit.

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<sup>14</sup> See Exhibit D.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Casey A. Bell', with a long horizontal flourish extending to the right.

Casey A. Bell  
State Bar No. 24012271  
Don Lewis  
State Bar No. 12275600  
Duggins Wren Mann & Romero, LLP  
600 Congress Avenue, Suite 1900  
Austin, Texas 78767-1149  
Office: (512) 744-9300  
Facsimile: (512) 744-9399 (fax)

**ATTORNEYS FOR 1817 LACEY, LTD.**

*Original*

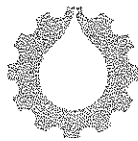
**SigmaPro Properties, LLC  
Wastewater Treatment Facility**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
APPLICATION FOR NEW  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM  
August 2018

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WATER QUALITY DIVISION  
Applications Team



PERKINS  
ENGINEERING  
CONSULTANTS, INC.

*Hand Delivery*

*Carri Thomas*



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOMESTIC WASTEWATER PERMIT APPLICATION  
CHECKLIST**

Complete and submit this checklist with the application.

APPLICANT: SigmaPro Properties, LLC (SigmaPro)

PERMIT NUMBER: New

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affected Landowners Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landowner Disk or Labels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffer Zone Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Design Calculations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solids Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 4.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 6.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 7.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**APPLICATION FOR A DOMESTIC WASTEWATER PERMIT  
 ADMINISTRATIVE REPORT 1.0**

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

**Section 1. Application Fees (Instructions Page 29)**

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	\$350.00 <input checked="" type="checkbox"/>	\$315.00 <input type="checkbox"/>
≥0.05 but <0.10 MGD	\$550.00 <input type="checkbox"/>	\$515.00 <input type="checkbox"/>
≥0.10 but <0.25 MGD	\$850.00 <input type="checkbox"/>	\$815.00 <input type="checkbox"/>
≥0.25 but <0.50 MGD	\$1,250.00 <input type="checkbox"/>	\$1,215.00 <input type="checkbox"/>
≥0.50 but <1.0 MGD	\$1,650.00 <input type="checkbox"/>	\$1,615.00 <input type="checkbox"/>
≥1.0 MGD	\$2,050.00 <input type="checkbox"/>	\$2,015.00 <input type="checkbox"/>

Minor Amendment (for any flow) \$150.00

**Payment Information:**

Mailed      Check/Money Order Number: 1048  
                   Check/Money Order Amount: \$350.00  
                   Name Printed on Check: SigmaPro Properties, LLC

EPAY      Voucher Number:  
 Copy of Payment Voucher enclosed?      Yes

**Section 2. Type of Application (Instructions Page 29)**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> New TPDES                   | <input type="checkbox"/> New TLAP                               |
| <input type="checkbox"/> Major Amendment <i>with</i> Renewal    | <input type="checkbox"/> Minor Amendment <i>with</i> Renewal    |
| <input type="checkbox"/> Major Amendment <i>without</i> Renewal | <input type="checkbox"/> Minor Amendment <i>without</i> Renewal |
| <input type="checkbox"/> Renewal without changes                | <input type="checkbox"/> Minor Modification of permit           |

For amendments or modifications, describe the proposed changes:

For existing permits:

Permit number      EPA I.D. (TPDES only) TX

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**Section 3. Facility Owner (Applicant) and Co-Applicant Information  
(Instructions Page 29)**

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

SigmaPro Properties, LLC

*(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN:

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

First/Last Name: David Underwood

Title/Prefix: CEO/Owner

Credential: P.E.

B. **Co-applicant information.** Complete this section only if another person or entity is required to apply as a co-permittee. N/A

What is the Legal Name of the co-applicant applying for this permit?

*(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)*

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>:

CN:

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

First and Last Name:

Title/Prefix:

Credential:

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Provide a brief description of the need for a co-permittee:



TX0138574

# TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

1. Reason for Submission <i>(If other is checked please describe in space provided.)</i>		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization <i>(Core Data Form should be submitted with the program application.)</i>		
<input type="checkbox"/> Renewal <i>(Core Data Form should be submitted with the renewal form)</i>	<input type="checkbox"/> Other	
2. Customer Reference Number <i>(if issued)</i>	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number <i>(if issued)</i>
CN 605566363		RN 110487162

## SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name <i>(Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)</i>		<input type="checkbox"/> Change in Regulated Entity Ownership	
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>			
6. Customer Legal Name <i>(if an individual, print last name first: eg: Doe, John)</i>		<i>If new Customer, enter previous Customer below:</i>	
SigmaPro Properties, LLC			
7. TX SOS/CPA Filing Number	8. TX State Tax ID <i>(11 digits)</i>	9. Federal Tax ID <i>(9 digits)</i>	10. DUNS Number <i>(if applicable)</i>
N/A 802941223	32066311054	82-4529716	N/A
11. Type of Customer:		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input checked="" type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role <i>(Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check one of the following:</i>			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator			
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:			
13241 Harmon Rd.			
City	Fort Worth	State	TX
ZIP	76177	ZIP + 4	
16. Country Mailing Information <i>(if outside USA)</i>		17. E-Mail Address <i>(if applicable)</i>	
18. Telephone Number		19. Extension or Code	20. Fax Number <i>(if applicable)</i>
( 682 ) 888-1234			( 817 ) 887-5202

## SECTION III: Regulated Entity Information

21. General Regulated Entity Information <i>(if 'New Regulated Entity' is selected below this form should be accompanied by a permit application)</i>	
<input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information	
<i>The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)</i>	
22. Regulated Entity Name <i>(Enter name of the site where the regulated action is taking place.)</i>	
SigmaPro Wastewater Treatment Facility	

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23. Street Address of the Regulated Entity: (No PO Boxes)		13241 Harmon Road						
24. County		City	Fort Worth	State	TX	ZIP	76177	ZIP + 4
		Tarrent						
Enter Physical Location Description if no street address is provided.								
25. Description to Physical Location:								
26. Nearest City				State		Nearest ZIP Code		
Fort Worth				TX		76177		
27. Latitude (N) In Decimal:		36.941390		28. Longitude (W) In Decimal:		97.323890		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
35	56	29	97	19	26			
29. Primary SIC Code (4 digits)		30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)		
6519				531120				
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)								
Lessor of real estate properties.								
34. Mailing Address:		13241 Harmon Rd						
		City	Fort Worth	State	TX	ZIP	76177	ZIP + 4
35. E-Mail Address:								
36. Telephone Number			37. Extension or Code		38. Fax Number (if applicable)			
(682) 888-1234					( ) -			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
New WQ001572200				

**SECTION IV: Preparer Information**

40. Name:	Janet Sims	41. Title:	PECI Project Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(512) 735-1001		( ) -	jsims@perkinsconsultants.com

**SECTION V: Authorized Signature**

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	SigmaPro Properties, LLC	Job Title:	CEO/Owner
Name (In Print):	David Underwood	Phone:	(682) 888-1234
Signature:	<i>David Underwood</i>	Date:	8/28/18

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*David Underwood*  
9/13/18

WATER QUALITY DIVISION  
Applications Team

**C. Core Data Form**

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete Attachment 1 of Administrative Report 1.0. Attachment: A

**Section 4. Application Contact Information (Instructions Page 30)**

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. First and Last Name: Robert Berman Credential:  
 Organization Name: SigmaPro Title/Prefix: Project Manager  
 Mailing Address: 13241 Harmon Rd.  
 City: Fort Worth State: Texas ZIP Code: 76177  
 Phone No.: (682) 888-1239 Ext.: Fax No.: (817) 887-5202  
 E-mail Address: robert@sigmaproeng.com  
 Check one or both:  Administrative Contact  Technical Contact

B. First and Last Name: Janet Sims Credential:  
 Organization Name: Perkins Engineering Consultants, Inc. Title/Prefix: Project Manager  
 Mailing Address: 13740 N. Highway 183 #L6  
 City: Austin State: Texas ZIP Code: 78750  
 Phone No.: (512) 735-1001 Ext.: Fax No.: (512) 735-1002  
 E-mail Address: jsims@perkinsconsultants.com  
 Check one or both:  Administrative Contact  Technical Contact

**Section 5. Permit Contact Information (Instructions Page 30)**

Provide two names of individuals that can be contacted throughout the permit term.

A. First and Last Name: David Underwood Credential: P.E.  
 Organization Name: SigmaPro Title/Prefix: CEO/Owner  
 Mailing Address: 13241 Harmon Rd.  
 City: Fort Worth State: Texas ZIP Code: 76177  
 Phone No.: (682) 888-1234 Ext.: Fax No.:  
 E-mail Address: davidu@sigmaproeng.com

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B. First and Last Name: Sidnee Silva Credential:  
 Organization Name: SigmaPro Title/Prefix: Controller



Mailing Address: 13241 Harmon Rd.  
 City: Fort Worth State: Texas ZIP Code: 76177  
 Phone No.: (682) 888-1234 Ext.: \_ Fax No.: (817)887-5202  
 E-mail Address: sidnee@sigmaproeng.com

**Section 6. Billing Information (Instructions Page 30)**

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits *in effect on September 1 of each year*. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

First and Last Name: Sidnee Silva Credential:  
 Organization Name: SigmaPro Title/Prefix: Controller  
 Mailing Address: 13241 Harmon Rd.  
 City: Fort Worth State: Texas ZIP Code: 76177  
 Phone No.: (682) 888-1234 Ext.: \_ Fax No.:  
 E-mail Address: Sidnee@sigmaproeng.com

**Section 7. DMR/MER Contact Information (Instructions Page 31)**

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

First and Last Name: Robert Berman Credential:  
 Organization Name: SigmaPro Title/Prefix: Project Manager  
 Mailing Address: 13241 Harmon Road  
 City: Fort Worth State: Texas ZIP Code: 76177  
 Phone No.: (682) 888-1239 Ext.: Fax No.:  
 E-mail Address: robert@sigmaproeng.com

You can submit DMR data on the TCEQ website at <https://www.tceq.texas.gov/field/netdmr/netdmr.html>. Establish an electronic reporting account with the permit number.

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**Section 8. Public Notice Information (Instructions Page 31)**

**A. Individual Publishing the Notices**

First and Last Name: Janet Sims Credential:  
 Organization Name: Perkins Engineering Consultants, Inc. Title/Prefix: Project Manager  
 Mailing Address: 13740 N. Highway 183 #L6

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 applications team

City: Austin State: Texas ZIP Code: 78750  
Phone No.: (512) 695-2468 Ext.: Fax No.:  
E-mail Address: jsims@perkinsconsultants.com

**B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package**

Indicate by a check mark the preferred method for receiving the first notice and instructions:

- E-mail Address:
- Fax No.:
- Regular Mail:

Mailing Address:  
City: State:  
ZIP Code:  
Phone No.: Ext.:  
Fax:

**C. Contact person to be listed in the Notices**

First and Last Name: Robert Berman Credential:  
Organization Name: SigmaPro Title/Prefix: Project Manager  
Phone No.: (682) 888.1239 Ext.: E-mail: robert@sigmaproeng.com

**D. Public Viewing Information**

*If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.*

Public building name: City of Haslet Public Library

Location within the building: Reference desk

Physical Address of Building: 100 Gammill Street

City: Haslet County: Tarrant

Contact Name: Librarian

Phone No.: (817) 439-4278 Ext.:

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**E. Bilingual Notice Requirements:**

This information is required for new, major amendment, and renewal applications. It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and

obtain the following information to determine whether an alternative language notices are required.

- 1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

Yes      No

If **no**, publication of an alternative language notice is not required; **skip** to Section 9 below.

- 2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

Yes      No

- 3. Do the students at these schools attend a bilingual education program at another location?

Yes      No

- 4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?

Yes      No

- 5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

**Section 9. Regulated Entity and Permitted Site Information (Instructions Page 33)**

Search the TCEQ's Central Registry at <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch> to determine the RN.

If the site is found, provide the assigned Regulated Entity Number and provide the information for the site to be authorized through this application below.

TCEQ issued Regulated Entity Number (RN): RN\_

A. State/TPDES Permit No.:

Expiration Date:

EPA Identification No. (TPDES Permits only): TX

B. Name of project or site (the name known by the community where located): SigmaPro Wastewater Treatment Facility

*If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.*

C. Owner of treatment facility: SigmaPro

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Ownership of Facility:  Public  Private  Both  Federal

D. Owner of land where treatment facility is or will be:

First and Last Name: SigmaPro

Mailing Address: 13241 Harmon Rd.

City: Fort Worth

State: Texas

ZIP Code: 76177

Phone No.: (682) 888-1234

E-mail Address: robert@sigmaproeng.com

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

E. Owner of effluent disposal site: N/A

First and Last Name:

Mailing Address:

City:

ZIP Code:

State:

Phone No.:

E-mail Address:

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment:

F. Owner of sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

N/A

First/Last Name:

Mailing Address:

City:

ZIP Code:

State:

Phone No.:

E-mail Address:

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment:

**Section 10. TPDES Discharge Information (Instructions Page 34)**

A. Is the wastewater treatment facility location in the existing permit accurate?

Yes  No

If no, or a new permit application, please give an accurate description:

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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: <sup>32, Harmon</sup> 35.94139 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 location of the disposal site.

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disposal site location:

[Empty rectangular box for disposal site location]

B. City nearest the disposal site:

C. County in which the disposal site is located:

D. Disposal Site Latitude:

Longitude:

E. For TLAPs, describe the routing of effluent from the treatment facility to the disposal site:

[Empty rectangular box for effluent routing description]

F. For TLAPs, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained:

[Empty rectangular box for watercourse identification]

**Section 12. Miscellaneous Information (Instructions Page 37)**

A. Is the facility located on or does the treated effluent cross American Indian Land?

Yes  No

B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

Yes  No  Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit application, provide an accurate location description of the sewage sludge disposal site.

[Empty rectangular box for location description]

C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

Yes  No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application:

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D. Do you owe any fees to the TCEQ?

- Yes     No

If yes, provide the following information:

Account number:

Amount past due:

E. Do you owe any penalties to the TCEQ?

- Yes     No

If yes, please provide the following information:

Enforcement order number:

Amount past due:

**Section 13. Attachments (Instructions Page 38)**

Indicate which attachments are included with the Administrative Report. Check all that apply:

- Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.
- Original full-size USGS Topographic Map with the following information:
  - Applicant's property boundary      **See Attachment B.**
  - Treatment facility boundary
  - Labeled point of discharge for each discharge point (TPDES only)
  - Highlighted discharge route for each discharge point (TPDES only)
  - Onsite sewage sludge disposal site (if applicable)
  - Effluent disposal site boundaries (TLAP only)
  - New and future construction (if applicable)
  - 1 mile radius information
  - 3 miles downstream information (TPDES only)
  - All ponds.

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- Attachment 1 for Individuals as co-applicants
- Other Attachments. Please specify:
 

<ul style="list-style-type: none"> <li>A. Core Data Form</li> <li>B. USGS Map</li> <li>C. Affected Landowner Information</li> <li>D. Original Photographs</li> <li>E. Buffer Zone Map and Nuisance Odor Control Plan</li> <li>F. Process Flow Diagram</li> <li>G. Site Drawing</li> <li>H. Justification for Permit</li> <li>I. Nearby Collection System Area Map</li> <li>J. Design Calculation and Plant Features</li> <li>K. Windrose</li> <li>L. Sewage Sludge Solids Management Plan</li> </ul>
--

**Section 14. Signature Page (Instructions Page 39)**

Permit Number:

Applicant: SigmaPro Properties, LLC

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

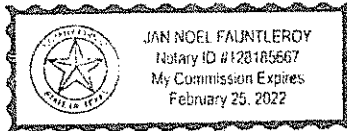
Signatory name (typed or printed): David Underwood, P.E.

Signatory title: CEO/Owner

Signature: David Underwood Date: 8/28/2018  
(Use blue ink)

Subscribed and Sworn to before me by the said David Underwood  
on this 28<sup>th</sup> day of August, 2018.  
My commission expires on the 25<sup>th</sup> day of Feb., 2022.

[Signature]  
Notary Public  
Tarrant  
County, Texas



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*If co-applicants are necessary, each entity must submit an original, separate signature page.*

ON



## DOMESTIC ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

**Section 1. Affected Landowner Information (Instructions Page 41)**

- A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable: See Attachment C.
- The applicant's property boundaries
  - The facility site boundaries within the applicant's property boundaries
  - The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone See Attachment E.
  - The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
  - The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
  - The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
  - The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
  - The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
  - The property boundaries of all landowners surrounding the effluent disposal site
  - The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
  - The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located
- B.  Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowners map has been provided.
- C. Indicate by a check mark in which format the landowners list is submitted.
- Readable/Writeable CD
  - Four sets of labels
- D. Provide the source of the landowners' names and mailing addresses: Tarrant County Team Appraisal District
- E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?
- Yes
  - No

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If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

**Section 2. Original Photographs (Instructions Page 44)**

Provide original ground level photographs. Indicate with checkmarks that the following information is provided. **See Attachment D.**

- At least one original photograph of the new or expanded treatment unit location
- At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- At least one photograph of the existing/proposed effluent disposal site
- A plot plan or map showing the location and direction of each photograph

**Section 3. Buffer Zone Map (Instructions Page 44)**

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels. **See Attachment E.**

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met.

Check all that apply.

- Ownership
- Restrictive easement
- Nuisance odor control **See Attachment E.**
- Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

Yes  No

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOMESTIC WASTEWATER PERMIT APPLICATION

**DOMESTIC TECHNICAL REPORT 1.0**

The Following Is Required For All Applications  
Renewal, New, And Amendment

**Section 1. Permitted or Proposed Flows (Instructions Page 51)**

**A. Existing/Interim I Phase**

Design Flow (MGD):

2-Hr Peak Flow (MGD):

Estimated construction start date:

Estimated waste disposal start date:

**B. Interim II Phase**

Design Flow (MGD):

2-Hr Peak Flow (MGD):

Estimated construction start date:

Estimated waste disposal start date:

**C. Final Phase**

Design Flow (MGD): 0.0095

2-Hr Peak Flow (MGD): 0.0237

Estimated construction start date: January 2019

Estimated waste disposal start date: February 2019

**D. Current operating phase: N/A**

Provide the startup date of the facility: N/A

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**Section 2. Treatment Process (Instructions Page 51)**

**A. Treatment process description**

Provide a detailed description of the treatment process. Include the type of

treatment plant, mode of operation, and all treatment units. Start with the plant's head works and finish with the point of discharge. Include all sludge processing and drying units. If more than one phase exists or is proposed in the permit, a description of *each phase* must be provided. Process description:

The proposed SigmaPro Wastewater Treatment Facility is an activated sludge process plant operated in the extended aeration mode. The wastewater treatment plant is a packaged plant with an aeration basin, clarifier, chlorine contact chamber, and sludge holding tank.

Port or pipe diameter at the discharge point, in inches: 6

**B. Treatment Units**

In Table 1.0(1), provide the treatment unit type, the number of units, and dimensions (length, width, depth) of each treatment unit, accounting for *all* phases of operation.

*Table 1.0(1) - Treatment Units*

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
Extended Aeration Basin	1	30.5' L x 10' W x 9.5' SWD
Secondary Clarifier	1	7.25' L x 10' W x 4.0' SWD
Chlorine Contact Basin	1	545 gallons
Sludge Holding Tank	1	13.5' x 10' x 9.5'

**C. Process flow diagrams**

Provide flow diagrams for the existing facilities and each proposed phase of construction.

Attachment: F

**Section 3. Site Drawing (Instructions Page 52)**

Provide a site drawing for the facility that shows the following:

- The boundaries of the treatment facility;
- The boundaries of the area served by the treatment facility;
- If land disposal of effluent, the boundaries of the disposal site and all storage/holding ponds; and
- If sludge disposal is authorized in the permit, the boundaries of the land application or disposal site.

**Attachment: G**

Provide the name and a description of the area served by the treatment facility.

The area served by the proposed treatment facility is the property owned by SigmaPro Properties, LLC.

**Section 4. Unbuilt Phases (Instructions Page 52)**

Is the application for a renewal of a permit that contains an unbuilt phase or phases?

Yes  No

If yes, does the existing permit contain a phase that has not been constructed within five years of being authorized by the TCEQ?

Yes  No

If yes, provide a detailed discussion regarding the continued need for the unbuilt phase. Failure to provide sufficient justification may result in the Executive Director recommending denial of the unbuilt phase or phases.

**Section 5. Closure Plans (Instructions Page 53)**

Have any treatment units been taken out of service permanently, or will any units be taken out of service in the next five years?

Yes  No

If yes, was a closure plan submitted to the TCEQ?

Yes  No

If yes, provide a brief description of the closure and the date of plan approval.

**Section 6. Permit Specific Requirements (Instructions Page 53)**

For applicants with an existing permit, check the *Other Requirements* or *Special Provisions* of the permit.

A. Summary transmittal **N/A – This application is for a new permit.**

Have plans and specifications been approved for the existing facilities and each proposed phase?

Yes  No

If yes, provide the date(s) of approval for each phase:

Provide information, including dates, on any actions taken to meet a requirement or provision pertaining to the submission of a summary transmittal letter. Provide a copy of an approval letter from the TCEQ, if applicable.

**B. Buffer zones**

Have the buffer zone requirements been met?

Yes  No

Provide information below, including dates, on any actions taken to meet the conditions of the buffer zone. If available, provide any new documentation relevant to maintaining the buffer zones.

**See Attachment E for Nuisance Odor Control Plan.**

**C. Other actions required by the current permit**

Does the *Other Requirements* or *Special Provisions* section in the existing permit require submission of any other information or other required actions? Examples include Notification of Completion, progress reports, soil monitoring data, etc.

Yes  No  N/A

If yes, provide information below on the status of any actions taken to meet the conditions of an *Other Requirement* or *Special Provision*.

**D. Grit and grease treatment**

**1. Acceptance of grit and grease waste**

Does the facility have a grit and/or grease processing facility onsite that treats and decants or accepts transported loads of grit and grease waste that are discharged directly to the wastewater treatment plant prior to any treatment?

Yes  No

If No, stop here and continue with Subsection E. Stormwater Management.

**2. Grit and grease processing**

Describe below how the grit and grease waste is treated at the facility. In your description, include how and where the grit and grease is introduced to the treatment works and how it is separated or processed. Provide a flow diagram showing how grit and grease is processed at the facility.

**3. Grit disposal**

Does the facility have a Municipal Solid Waste (MSW) registration or permit for grit disposal?

Yes  No

If No, contact the TCEQ Municipal Solid Waste team at 512-239-0000. Note: A registration or permit is required for grit disposal. Grit shall not be combined with treatment plant sludge. See the instruction booklet for additional information on grit disposal requirements and restrictions.

Describe the method of grit disposal.

**4. Grease and decanted liquid disposal**

Note: A registration or permit is required for grease disposal. Grease shall not be combined with treatment plant sludge. For more information, contact the TCEQ Municipal Solid Waste team at 512-239-0000.

Describe how the decant and grease are treated and disposed of after grit separation.

**E. Stormwater management**

**1. Applicability**

Does the facility have a design flow of 1.0 MGD or greater in any phase?

Yes  No

Does the facility have an approved pretreatment program, under 40 CFR Part 403?



Yes  No

If no to both of the above, then skip to Subsection F, Other Wastes Received.

**2. MSGP coverage**

Is the stormwater runoff from the WWTP and dedicated lands for sewage disposal currently permitted under the TPDES Multi-Sector General Permit (MSGP), TXR050000?

Yes  No

If yes, please provide MSGP Authorization Number and skip to Subsection F, Other Wastes Received:

TXR05 or TXRNE

If no, do you intend to seek coverage under TXR050000?

Yes  No

**3. Conditional exclusion**

Alternatively, do you intend to apply for a conditional exclusion from permitting based TXR050000 (Multi Sector General Permit) Part II B.2 or TXR050000 (Multi Sector General Permit) Part V, Sector T 3(b)?

Yes  No

If yes, please explain below then proceed to Subsection F, Other Wastes Received:

**4. Existing coverage in individual permit**

Is your stormwater discharge currently permitted through this individual TPDES or TLAP permit?

Yes  No

If yes, provide a description of stormwater runoff management practices at the site that are authorized in the wastewater permit then skip to Subsection F, Other Wastes Received.

**5. Zero stormwater discharge**

Do you intend to have no discharge of stormwater via use of evaporation or other means?

Yes  No

If yes, explain below then skip to Subsection F. Other Wastes Received.

Note: If there is a potential to discharge any stormwater to surface water in the state as the result of any storm event, then permit coverage is required under the MSGP or an individual discharge permit. This requirement applies to all areas of facilities with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries) that meet the applicability criteria of above. You have the option of obtaining coverage under the MSGP for direct discharges, (recommended), or obtaining coverage under this individual permit.

**6. Request for coverage in individual permit**

Are you requesting coverage of stormwater discharges associated with your treatment plant under this individual permit?

Yes  No

If yes, provide a description of stormwater runoff management practices at the site for which you are requesting authorization in this individual wastewater permit and describe whether you intend to comingle this discharge with your treated effluent or discharge it via a separate dedicated stormwater outfall. Please also indicate if you intend to divert stormwater to the treatment plant headworks and indirectly discharge it to water in the state.

Note: Direct stormwater discharges to waters in the state authorized through this individual permit will require the development and implementation of a stormwater pollution prevention plan (SWPPP) and will be subject to additional monitoring and reporting requirements. Indirect discharges of stormwater via headworks recycling will require compliance with all individual permit requirements including 2-hour peak flow limitations. All stormwater discharge authorization requests will require additional information during the technical review of your application.

**F. Discharges to the Lake Houston Watershed**

Does the facility discharge in the Lake Houston watershed?

Yes  No

If yes, a Sewage Sludge Solids Management Plan is required. See Example 5 in the instructions.

**G. Other wastes received including sludge from other WWTPs and septic waste**

***1. Acceptance of sludge from other WWTPs***

Does the facility accept or will it accept sludge from other treatment plants at the facility site?

Yes  No

If yes, attach sewage sludge solids management plan. See Example 5 of the instructions.

In addition, provide the date that the plant started accepting sludge or is anticipated to start accepting sludge, an estimate of monthly sludge acceptance (gallons or millions of gallons), an estimate of the BOD<sub>5</sub> concentration of the sludge, and the design BOD<sub>5</sub> concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

**2. Acceptance of septic waste**

Is the facility accepting or will it accept septic waste?

Yes  No

If yes, does the facility have a Type V processing unit?

Yes  No

If yes, does the unit have a Municipal Solid Waste permit?

Yes  No

If yes to any of the above, provide a the date that the plant started accepting septic waste, or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD<sub>5</sub> concentration of the septic waste, and the design BOD<sub>5</sub> concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

**3. Acceptance of other wastes (not including septic, grease, grit, or RCRA, CERCLA or as discharged by IUs listed in Worksheet 6)**

Is the facility accepting or will it accept wastes that are not domestic in nature excluding the categories listed above?

Yes  No

If yes, provide the date that the plant started accepting the waste, an estimate how much waste is accepted on a monthly basis (gallons or millions of gallons), a description of the entities generating the waste, and any distinguishing chemical or other physical characteristic of the waste. Also note if this information has or has not changed since the last permit action.



**Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 58)**

Is the facility in operation?

Yes  No

If no, this section is not applicable. Proceed to Section 8.

If yes, provide effluent analysis data for the listed pollutants. *Wastewater treatment facilities* complete Table 1.0(2). *Water treatment facilities* discharging filter backwash water, complete Table 1.0(3).

Note: The sample date must be within 1 year of application submission.

*Table 1.0(2) - Pollutant Analysis for Wastewater Treatment Facilities*

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
CBOD <sub>5</sub> , mg/l					
Total Suspended Solids, mg/l					
Ammonia Nitrogen, mg/l					
Nitrate Nitrogen, mg/l					
Total Kjeldahl Nitrogen, mg/l					
Sulfate, mg/l					
Chloride, mg/l					
Total Phosphorus, mg/l					
pH, standard units					
Dissolved Oxygen*, mg/l					
Chlorine Residual, mg/l					
<i>E.coli</i> (CFU/100ml) freshwater					
Enterococci (CFU/100ml)					

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
saltwater					
Total Dissolved Solids, mg/l					
Electrical Conductivity, $\mu$ mohs/cm, †					
Oil & Grease, mg/l					
Alkalinity (CaCO <sub>3</sub> )*, mg/l					

\*TPDES permits only

†TLAP permits only

*Table 1.0(3) - Pollutant Analysis for Water Treatment Facilities*

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity (CaCO <sub>3</sub> ), mg/l					

**Section 8. Facility Operator (Instructions Page 60)**

Facility Operator Name: William Lewis Tatum

Facility Operator's License Classification and Level: Wastewater Treatment Operator A

Facility Operator's License Number: WW0012918

**Section 9. Sewage Sludge Management and Disposal (Instructions**

Page 60

#### 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 Italy wastewater treatment plant (TPDES permit No. WQ0014195001). 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





**A. Location information**

The following maps are required to be submitted as part of the application. For each map, provide the Attachment Number.

- Original General Highway (County) Map:

**Attachment:**

- USDA Natural Resources Conservation Service Soil Map:

**Attachment:**

- Federal Emergency Management Map:

**Attachment:**

- Site map:

**Attachment:**

Discuss in a description if any of the following exist within the lagoon area. Check all that apply.

- Overlap a designated 100-year frequency flood plain
- Soils with flooding classification
- Overlap an unstable area
- Wetlands
- Located less than 60 meters from a fault
- None of the above

**Attachment:**

If a portion of the lagoon(s) is located within the 100-year frequency flood plain, provide the protective measures to be utilized including type and size of protective structures:

**B. Temporary storage information**

Provide the results for the pollutant screening of sludge lagoons. These results are in addition to pollutant results in Section 7 of Technical Report 1.0.

Nitrate Nitrogen, mg/kg:

Total Kjeldahl Nitrogen, mg/kg:

Total Nitrogen (=nitrate nitrogen + TKN), mg/kg:

Phosphorus, mg/kg:

Potassium, mg/kg:

pH, standard units:

Ammonia Nitrogen mg/kg:

Arsenic:

Cadmium:

Chromium:

Copper:

Lead:

Mercury:

Molybdenum:

Nickel:

Selenium:

Zinc:

Total PCBs:

Provide the following information:

Volume and frequency of sludge to the lagoon(s):

Total dry tons stored in the lagoons(s) per 365-day period:

Total dry tons stored in the lagoons(s) over the life of the unit:

### C. Liner information

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of  $1 \times 10^{-7}$  cm/sec?

Yes  No

If yes, describe the liner below. Please note that a liner is required.

**D. Site development plan**

Provide a detailed description of the methods used to deposit sludge in the lagoon(s):

Attach the following documents to the application.

- Plan view and cross-section of the sludge lagoon(s)

**Attachment:**

- Copy of the closure plan

**Attachment:**

- Copy of deed recordation for the site

**Attachment:**

- Size of the sludge lagoon(s) in surface acres and capacity in cubic feet and gallons

**Attachment:**

- Description of the method of controlling infiltration of groundwater and surface water from entering the site

**Attachment:**

- Procedures to prevent the occurrence of nuisance conditions

**Attachment:**

**E. Groundwater monitoring**

Is groundwater monitoring currently conducted at this site, or are any wells available for groundwater monitoring, or are groundwater monitoring data otherwise available for the sludge lagoon(s)?

Yes  No

If groundwater monitoring data are available, provide a copy. Provide a profile of soil types encountered down to the groundwater table and the depth to the shallowest groundwater as a separate attachment.

Attachment:

**Section 12. Authorizations/Compliance/Enforcement (Instructions Page 63)**

**A. Additional authorizations**

Does the permittee have additional authorizations for this facility, such as reuse authorization, sludge permit, etc?

Yes  No

If yes, provide the TCEQ authorization number and description of the authorization:

**B. Permittee enforcement status**

Is the permittee currently under enforcement for this facility?

Yes  No

Is the permittee required to meet an implementation schedule for compliance or enforcement?

Yes  No

If yes to either question, provide a brief summary of the enforcement, the implementation schedule, and the current status:

**Section 13. RCRA/CERCLA Wastes (Instructions Page 63)**

**A. RCRA hazardous wastes**

Has the facility received in the past three years, does it currently receive, or will it receive RCRA hazardous waste?

Yes  No

**B. Remediation activity wastewater**

Has the facility received in the past three years, does it currently receive, or will

it receive CERCLA wastewater, RCRA remediation/corrective action wastewater or other remediation activity wastewater?

Yes  No

**C. Details about wastes received**

If yes to either Subsection A or B above, provide detailed information concerning these wastes with the application.

Attachment:

**Section 14. Laboratory Accreditation (Instructions Page 64)**

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
  - periodically inspected by the TCEQ; or
  - located in another state and is accredited or inspected by that state; or
  - performing work for another company with a unit located in the same site; or
  - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review *30 TAC Chapter 25* for specific requirements.

The following certification statement shall be signed and submitted with every application. See the *Signature Page* section in the Instructions, for a list of designated representatives who may sign the certification.

CERTIFICATION: **N/A**

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

Printed Name:

Title:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DOMESTIC TECHNICAL REPORT 1.1

The following is required for new and amendment applications

### Section 1. Justification for Permit (Instructions Page 66)

#### A. Justification of permit need

Provide a detailed discussion regarding the need for any phase(s) not currently permitted. Failure to provide sufficient justification may result in the Executive Director recommending denial of the proposed phase(s) or permit.

Attachment H

#### B. Regionalization of facilities

Provide the following information concerning the potential for regionalization of domestic wastewater treatment facilities:

##### 1. Municipally incorporated areas

If the applicant is a city, then Item 1 is not applicable. Proceed to Item 2 Utility CCN areas.

Is any portion of the proposed service area located in an incorporated city?

Yes  No  Not Applicable

If yes, within the city limits of:

If yes, attach correspondence from the city.

Attachment:

If consent to provide service is available from the city, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the city versus the cost of the proposed facility or expansion attached.

Attachment:

##### 2. Utility CCN areas

Is any portion of the proposed service area located inside another utility's CCN area?

Yes  No

If yes, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility or expansion.

**Attachment:**

### 3. *Nearby WWTPs or collection systems*

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes  No

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

**Attachment: I**

If yes, attach copies of your certified letters to these facilities and their response letters concerning connection with their system.

**Attachment: I**

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes  No

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

**Attachment:**

## **Section 2. Organic Loading (Instructions Page 67)**

Is this facility in operation?

Yes  No

If no, proceed to Item B, Proposed Organic Loading.



If yes, provide organic loading information in Item A, Current Organic Loading

**A. Current organic loading**

Facility Design Flow (flow being requested in application):

Average Influent Organic Strength or BOD<sub>5</sub> Concentration in mg/l:

Average Influent Loading (lbs/day = total average flow X average BOD<sub>5</sub> conc. X 8.34):

Provide the source of the average organic strength or BOD<sub>5</sub> concentration.

--

**B. Proposed organic loading**

This table must be completed if this application is for a facility that is not in operation or if this application is to request an increased flow that will impact organic loading.

*Table 1.1(1) - Design Organic Loading*

Source	Total Average Flow (MGD)	Influent BOD <sub>5</sub> Concentration (mg/l)
Municipality		
Subdivision		
Trailer park - transient		
Mobile home park		
School with cafeteria and showers		
School with cafeteria,		

Source	Total Average Flow (MGD)	Influent BOD <sub>5</sub> Concentration (mg/l)
no showers		
Recreational park, overnight use		
Recreational park, day use		
Office building or factory	0.0095	300
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources	0.0095	
AVERAGE BOD <sub>5</sub> from all sources		300

**Section 3. Proposed Effluent Quality and Disinfection (Instructions Page 68)**

**A. Existing/Interim I Phase Design Effluent Quality**

Biochemical Oxygen Demand (5-day), mg/l:

Total Suspended Solids, mg/l:

Ammonia Nitrogen, mg/l:

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l:

Other:

**B. Interim II Phase Design Effluent Quality**

Biochemical Oxygen Demand (5-day), mg/l:

Total Suspended Solids, mg/l:

Ammonia Nitrogen, mg/l:

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l:

Other:

**C. Final Phase Design Effluent Quality**

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l:

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

Other:

**D. Disinfection Method**

Identify the proposed method of disinfection.

Chlorine: 1.0 mg/l after 20 minutes detention time at peak flow

Dechlorination process: N/A

Ultraviolet Light: \_\_\_\_\_ seconds contact time at peak flow

Other:

**Section 4. Design Calculations (Instructions Page 68)**

Attach design calculations and plant features for each proposed phase. Example 4 of the instructions includes sample design calculations and plant features.

**Attachment: J**

**Section 5. Facility Site (Instructions Page 68)**

**A. 100-year floodplain**

Will the proposed facilities be located above the 100-year frequency flood level?

Yes  No

If **no**, describe measures used to protect the facility during a flood event. Include a site map showing the location of the treatment plant within the 100-year frequency flood level. If applicable, provide the size and types of protective structures.

Provide the source(s) used to determine 100-year frequency flood plain.

FEMA 48439C0055K eff. 9/25/2009.

For a new or expansion of a facility, will a wetland or part of a wetland be filled?

Yes  No

If **yes**, has the applicant applied for a US Corps of Engineers 404 Dredge and Fill Permit?

Yes  No

If **yes**, provide the permit number:

If **no**, provide the approximate date you anticipate submitting your application to the Corps:

**B. Wind rose**

Attach a wind rose. Attachment: K

**Section 6. Permit Authorization for Sewage Sludge Disposal (Instructions Page 69)**

**A. Beneficial use authorization**

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

Yes  No

If yes, attach the completed Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)

Attachment:

#### B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

- Sludge Composting
- Marketing and Distribution of sludge
- Sludge Surface Disposal or Sludge Monofill

If any of the above sludge options are selected, attach a completed DOMESTIC WASTEWATER PERMIT APPLICATION: SEWAGE SLUDGE TECHNICAL REPORT (TCEQ Form No. 10056).

Attachment:

### Section 7. Sewage Sludge Solids Management Plan (Instructions Page 69)

Attach a solids management plan to the application.

Attachment: L

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

## DOMESTIC TECHNICAL REPORT WORKSHEET 2.0

### RECEIVING WATERS

The following is required for all TPDES permit applications

#### Section 1. Domestic Drinking Water Supply (Instructions Page 73)

Is there a surface water intake for domestic drinking water supply located within 5 miles downstream from the point or proposed point of discharge?

Yes  No

If yes, provide the following:

Owner of the drinking water supply:

Distance and direction to the intake:

Attach a USGS map that identifies the location of the intake.

Attachment:

#### Section 2. Discharge into Tidally Affected Waters (Instructions Page 73)

Does the facility discharge into tidally affected waters?

Yes  No

If yes, complete the remainder of this section. If no, proceed to Section 3.

##### A. Receiving water outfall

Width of the receiving water at the outfall, in feet:

##### B. Oyster waters

Are there oyster waters in the vicinity of the discharge?

Yes  No

If yes, provide the distance and direction from outfall(s).

C. Sea grasses

Are there any sea grasses within the vicinity of the point of discharge?

Yes  No

If yes, provide the distance and direction from the outfall(s).

[Empty rectangular box for providing distance and direction]

**Section 3. Classified Segments (Instructions Page 73)**

Is the discharge directly into (or within 300 feet of) a classified segment?

Yes  No

If yes, this Worksheet is complete.

If no, complete Sections 4 and 5 of this Worksheet.

**Section 4. Description of Immediate Receiving Waters (Instructions Page 75)**

Name of the immediate receiving waters: Unnamed tributary

A. Receiving water type

Identify the appropriate description of the receiving waters.

- Stream
- Freshwater Swamp or Marsh
- Lake or Pond

Surface area, in acres:

Average depth of the entire water body, in feet:

Average depth of water body within a 500-foot radius of discharge point, in feet:

- Man-made Channel or Ditch

- Open Bay
- Tidal Stream, Bayou, or Marsh
- Other, specify:

**B. Flow characteristics**

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

- Intermittent - dry for at least one week during most years
- Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses
- Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

- USGS flow records
- Historical observation by adjacent landowners
- Personal observation
- Other, specify:

**C. Downstream perennial confluences**

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

None.
-------

**D. Downstream characteristics**

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

- Yes  No

If yes, discuss how.



**E. Normal dry weather characteristics**

Provide general observations of the water body during normal dry weather conditions.

**No water was in the unnamed tributary at the proposed outfall.**

Date and time of observation: 7/17/2018 @ 11:00 am

Was the water body influenced by stormwater runoff during observations?

Yes  No

**Section 5. General Characteristics of the Waterbody (Instructions Page 74)**

**A. Upstream influences**

Is the immediate receiving water upstream of the discharge or proposed discharge site influenced by any of the following? Check all that apply.

- |   |  |              |
|---|--|--------------|
| <input type="checkbox"/> Oil field activities | <input type="checkbox"/> Urban runoff        | <b>None.</b> |
| <input type="checkbox"/> Upstream discharges  | <input type="checkbox"/> Agricultural runoff |              |
| <input type="checkbox"/> Septic tanks         | <input type="checkbox"/> Other(s), specify   |              |

**B. Waterbody uses**

Observed or evidences of the following uses. Check all that apply. **None.**

- |  |   |
|--|---|
| <input type="checkbox"/> Livestock watering    | <input type="checkbox"/> Contact recreation     |
| <input type="checkbox"/> Irrigation withdrawal | <input type="checkbox"/> Non-contact recreation |
| <input type="checkbox"/> Fishing               | <input type="checkbox"/> Navigation             |

- Domestic water supply
- Industrial water supply
- Park activities
- Other(s), specify

### C. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the receiving water and the surrounding area.

- Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- Natural Area: trees and/or native vegetation; some development evident (from fields, pastures, dwellings); water clarity discolored
- Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

**SIGMAPRO PROPERTIES, LLC  
WASTEWATER TREATMENT FACILITY  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR PERMIT RENEWAL**

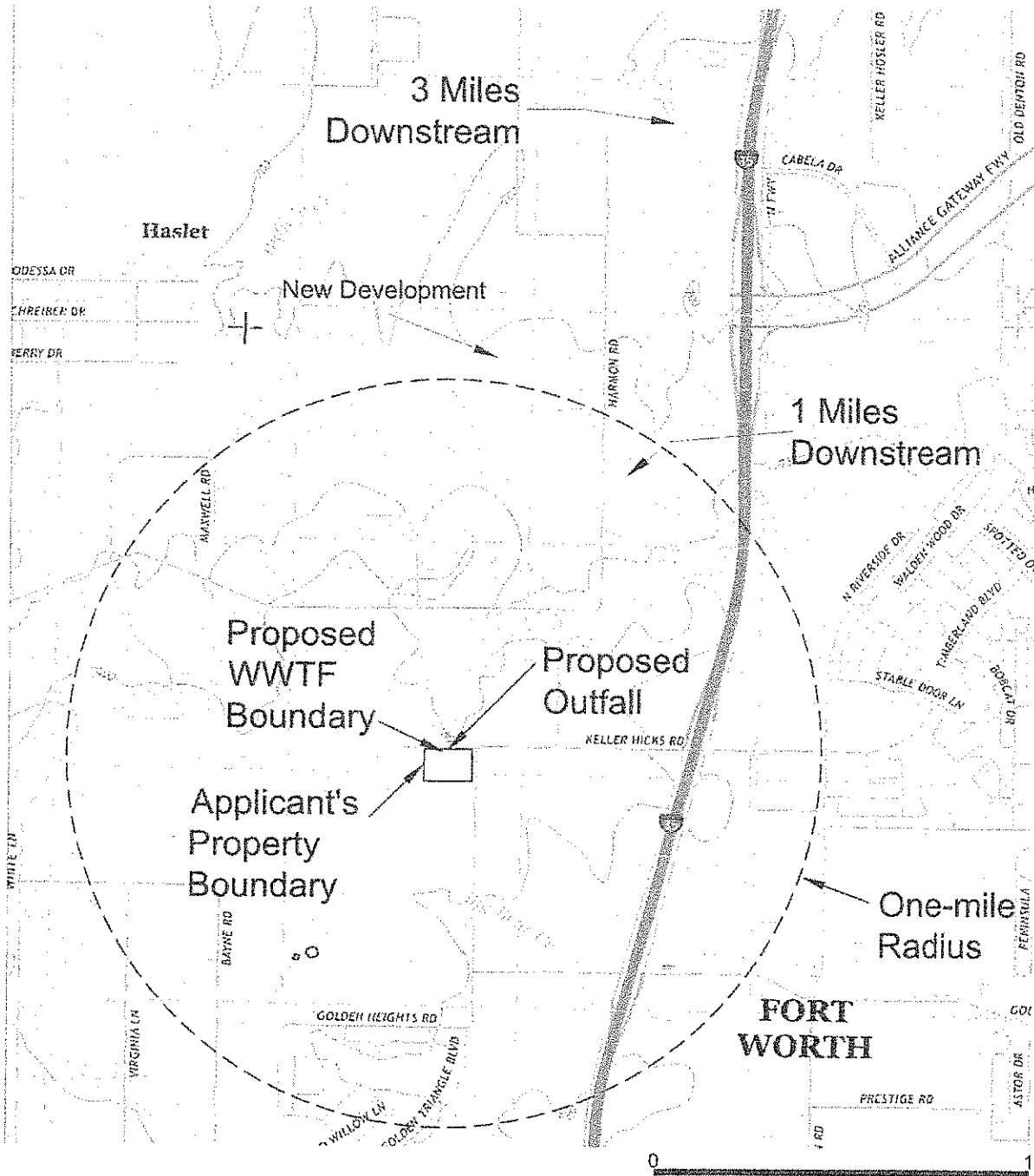
**ATTACHMENT**

**REFERENCE**

A. Core Data Form	Admin Report 1.0, Section 3.C
B. USGS Map	Admin Report 1.0, Section 13
C. Affected Landowner Information	Admin Report 1.1, Section 1
D. Original Photographs	Admin Report 1.1, Section 2
E. Buffer Zone Map and Nuisance Odor Control Plan	Admin Report 1.1, Section 3
F. Process Flow Diagram	Tech Report 1.0, Section 2.C
G. Site Drawing	Tech Report 1.0, Section 3
H. Justification for Permit	Tech Report 1.1, Section 1.A
I. Nearby Collection System Area Map	Tech Report 1.1, Section 1.B
J. Design Calculation and Plant Features	Tech Report 1.1, Section 4
K. Windrose	Tech Report 1.1, Section 5.B
L. Sewage Sludge Solids Management Plan	Tech Report 1.1, Section 7

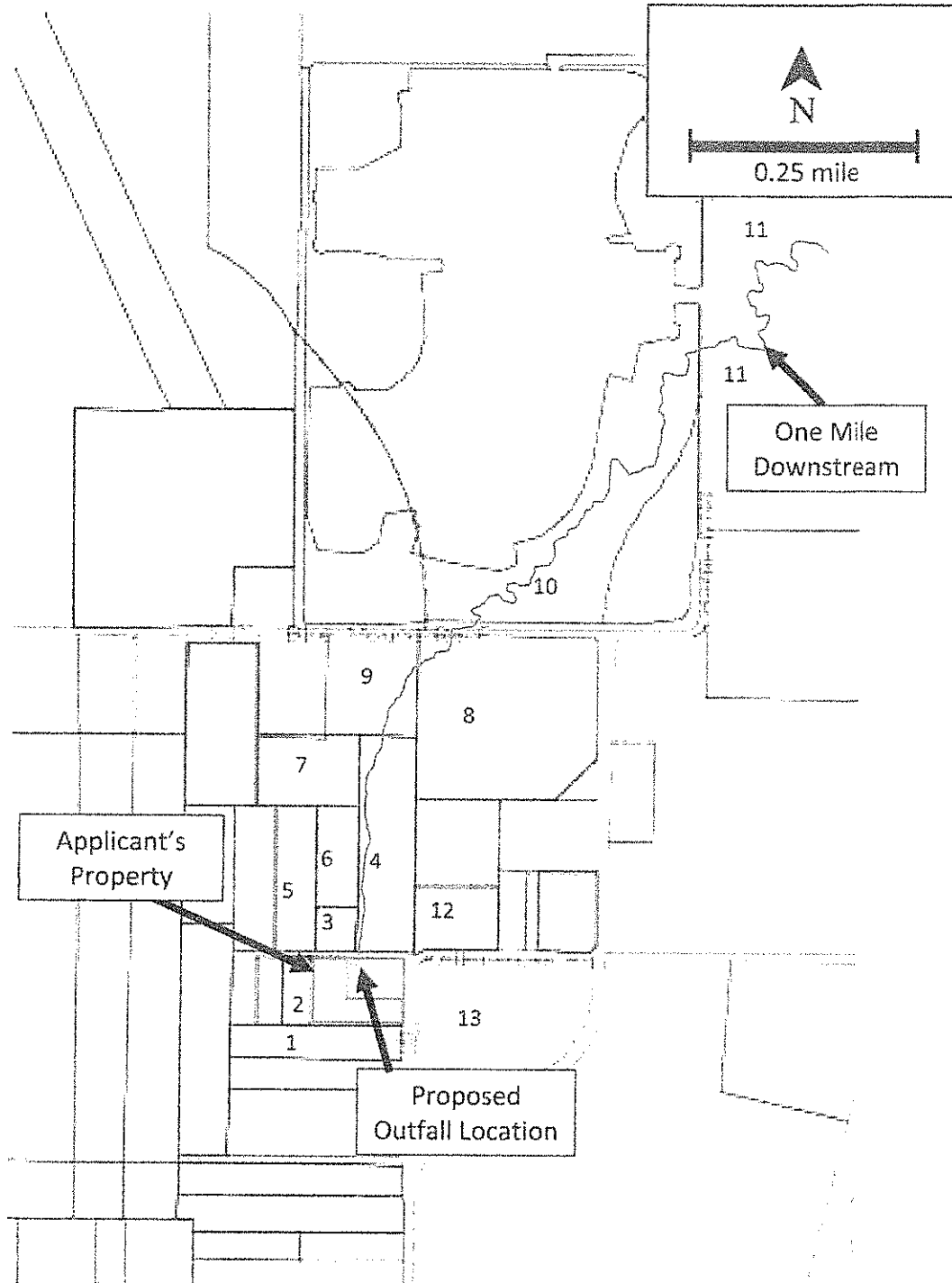
**Attachment A**  
**Core Data Form**  
**Admin Report 1.0, Section 3.C**

**Attachment B**  
**USGS Map**  
**Admin Report 1.0, Section 13**



ATTACHMENT B  
 SIGMAPRO PROPERTIES, LLC  
 WASTEWATER TREATMENT FACILITY  
 TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT APPLICATION  
 USGS MAP

RECEIVED  
 AUG 30 2018  
 QUALITY DIVISION  
 Applications Team



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

WQ0015722001

## ATTACHMENT C

**SIGMAPRO ENGINEERING & MANUFACTURING, INC.  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR NEW PERMIT**

**AFFECTED LANDOWNER INFORMATION**

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

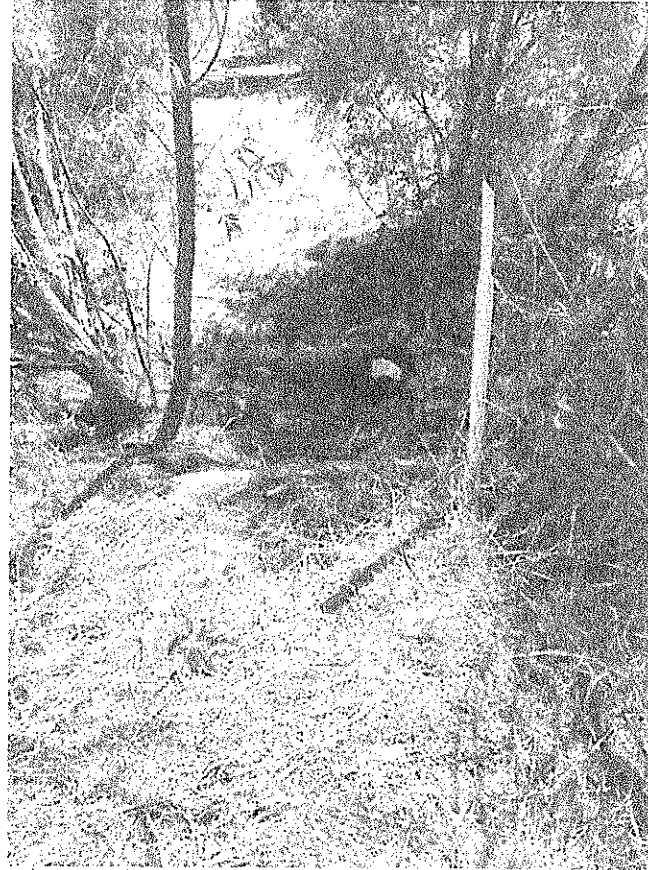


**Attachment C**  
**Affected Landowner Information**  
**Tech Report 1.1, Section 1**

**Attachment D**  
**Original Photographs**  
**Admin Report 1.1, Section 2**



Photograph 1. – At outfall looking west, upstream.



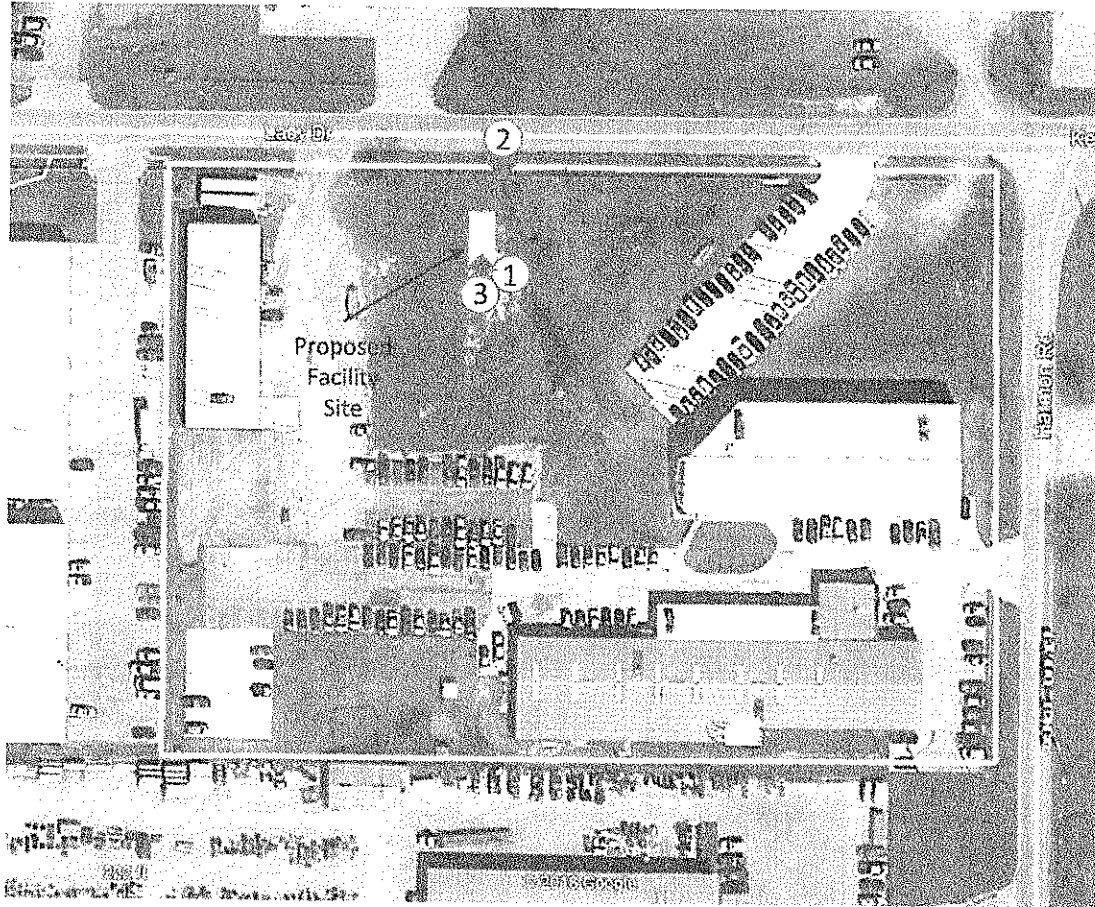
Photograph 1. – At outfall looking west, upstream.

**ATTACHMENT D.1  
SIGMAPRO PROPERTIES, LLC  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR NEW PERMIT  
PHOTOGRAPHS**




Photograph 3. – Proposed site of facility.

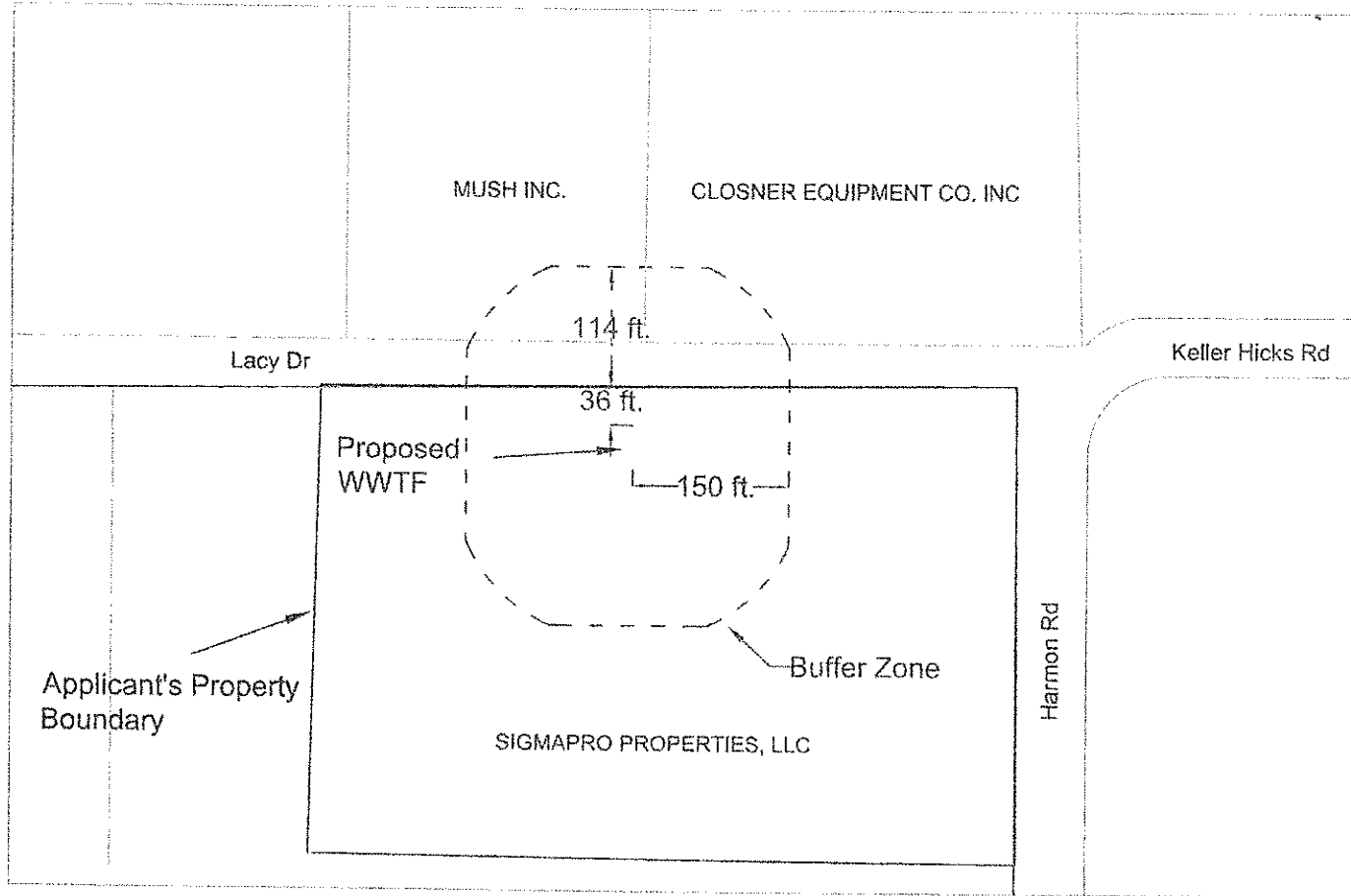
**ATTACHMENT D.2  
SIGMAPRO PROPERTIES, LLC  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR NEW PERMIT  
PHOTOGRAPHS**



**ATTACHMENT D.3**  
**SIGMAPRO PROPERTIES, LLC**  
**TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**  
**APPLICATION FOR NEW PERMIT**  
**PHOTOGRAPH LOCATION MAP**

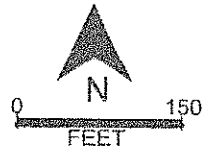

**Photograph Location**

**Attachment E**  
**Buffer Zone Map**  
**And**  
**Nuisance Odor Prevention Plan**  
**Admin Report 1.1, Section 3**



PERKINS  
ENGINEERING  
CONSULTANTS, INC.

ATTACHMENT E  
SIGMAPRO PROPERTIES, LLC  
WASTEWATER TREATMENT FACILITY  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
BUFFER ZONE MAP



SIGNATURE OF ENGINEER  
REGISTERED UNDER THE PROFESSIONAL ENGINEERING ACT

## NUISANCE ODOR PREVENTION PLAN

APPROVED IN ACCORDANCE WITH THE AIR QUALITY ACT

JULY 25, 2018



A handwritten signature in black ink, appearing to read "Mark A. Perkins".

July 25, 2018



PERKINS  
ENGINEERING  
CONSULTANTS, INC.

TBPE FIRM REGISTRATION NO. F-8599



SIGMAPRO PROPERTIES  
WASTEWATER TREATMENT PLANT

## NUISANCE ODOR PREVENTION PLAN

The SigmaPro Properties Wastewater Treatment Plant (WWTP) provides service to employees of the businesses leasing the buildings owned by SigmaPro Properties. The facility address is 13241 Harmon Road, Fort Worth, Texas, in Tarrant County. The SigmaPro Properties is approximately 20 miles north of the downtown area of the City of Fort Worth, Texas.

The proposed facility will be a package plant with an extended aeration basin, clarifier, and chlorine contact basin. Upon issuance of the discharge permit by the TCEQ, effluent will flow by gravity through a pipe into 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.

The WWTP is located in the north central area of the applicant's property. The service area, property boundary, the proposed location of the proposed wastewater treatment plant, and the 150' buffer zone are presented on the Treatment Facility Map (See Attachment A).

With the exception of the property north of the SigmaPro Properties, the applicant owns all the land within 150 feet from the treatment units in all directions. The north side of the treatment facility (the boundary shared with the neighbors within the 150' buffer zone) are non-residential, businesses. The leased buildings of the SigmaPro Properties are located to the south and west of the wastewater treatment plant.

The 12-month average wind rose for Dallas/Fort Worth, Texas is provided as Attachment B. As is indicated by the wind rose, prevailing winds are from the south in this area.

The treatment facility has several characteristics that will aid in minimizing nuisance odor generation. The characteristics are as follows:

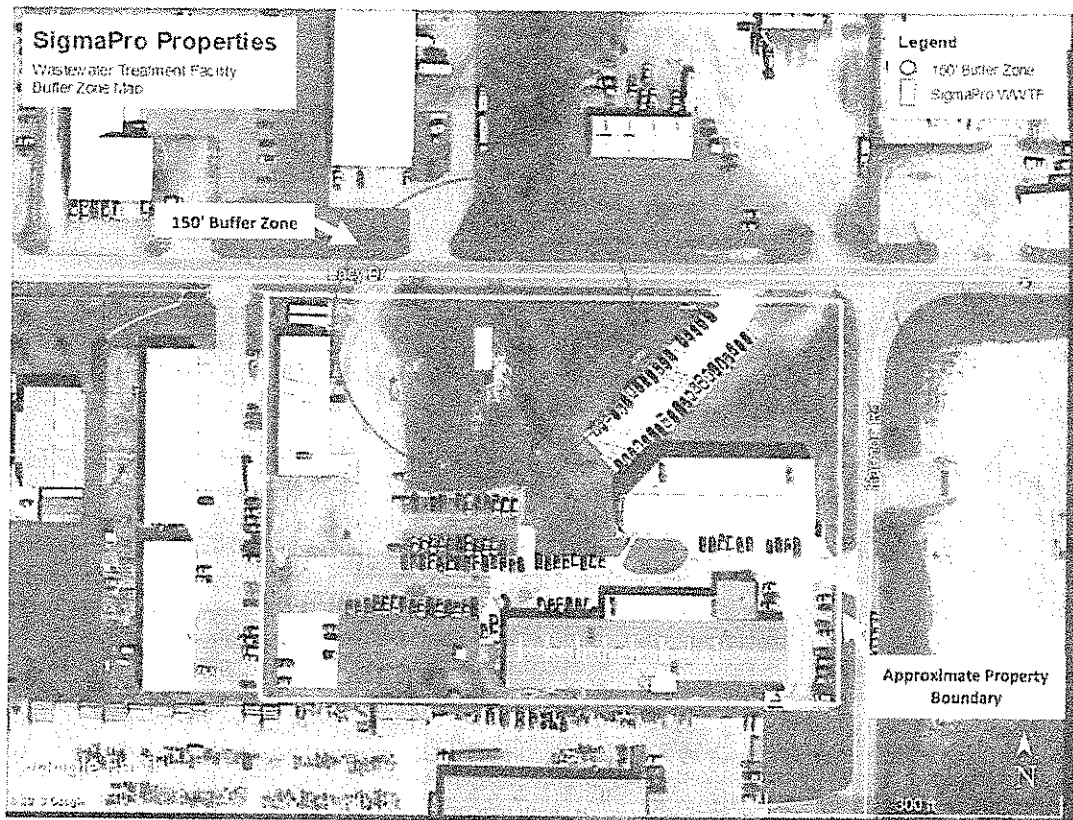
- The collection system is short, resulting in short travel times and minimal septicity for wastewater entering the plant.
- All wastewater is sanitary from bathrooms and breakrooms. Hydrogen sulfide thus is unlikely to form at high levels in this wastewater stream.
- The plant is an entirely aerobic facility. Aerobic biological treatment does not tend to generate offensive odors during normal operations.
- Sludge is held for hauling in a fully-aerated holding tank; no sludge processing or disposal occurs on site. The plant has no zones of anaerobic activity.

No improvements for nuisance odor abatement are expected to be needed at present. If nuisance odor complaints are received in the future, or if development is proposed on the property falling within the 150-foot radius of the facility, it is proposed that odor abatement improvements be considered. Covering of the plant for vapor-phase treatment would not be preferred, due to corrosion and personnel safety concerns. If additional odor abatement features become needed, the treatment facility could consider



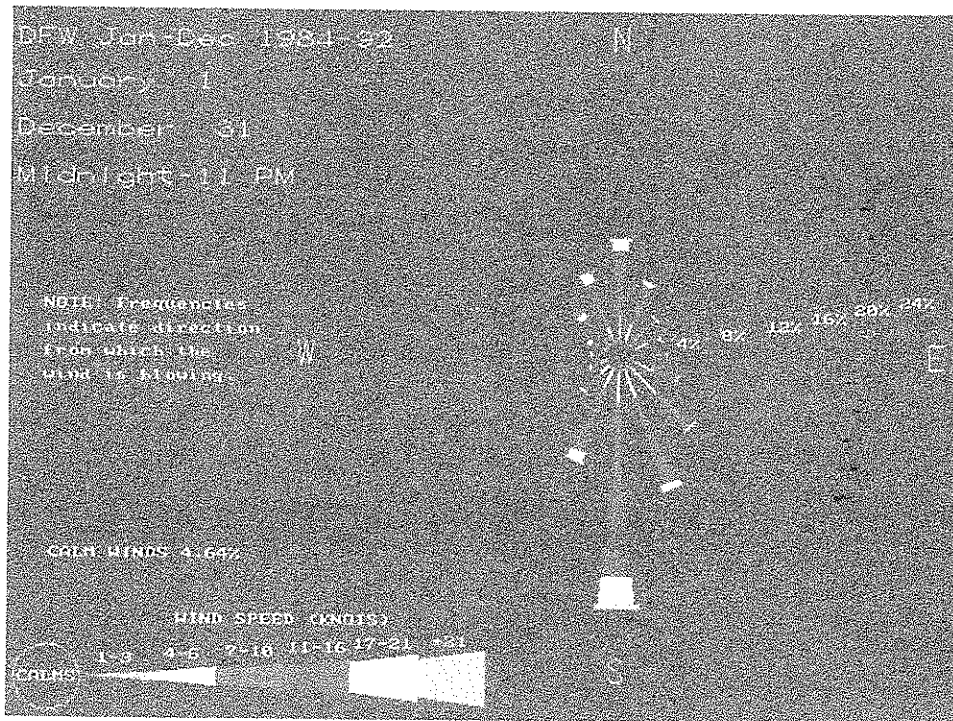
SIGMAPRO PROPERTIES  
WASTEWATER TREATMENT PLANT

feeding an odor control chemical. Hydrogen peroxide, nitrate salts, and/or magnesium hydroxide could be dosed at the plant influent to further minimize formation and release of hydrogen sulfide. A packaged tank and dosing system can be provided by the chemical supplier, if such improvements become necessary.



ATTACHMENT A  
TREATMENT FACILITY MAP

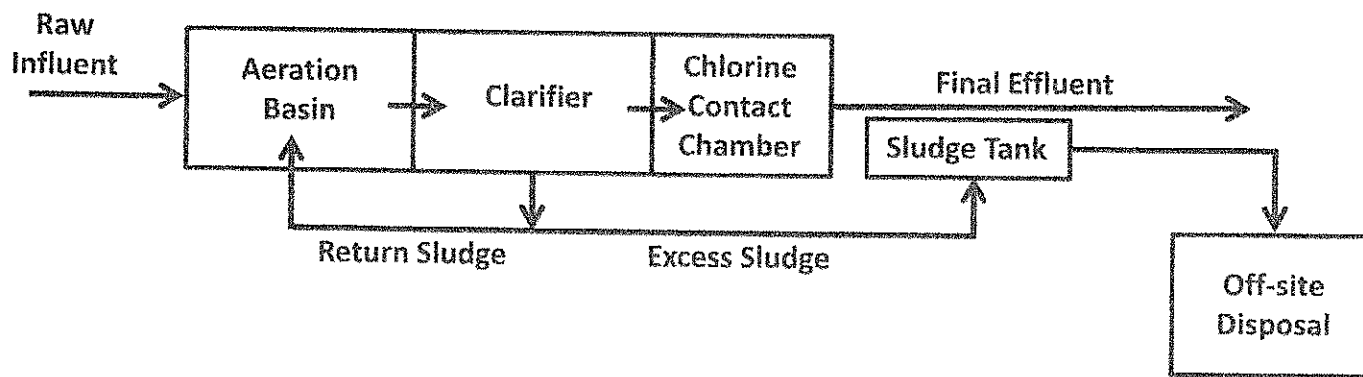
SIGMAPRO PROPERTIES  
WASTEWATER TREATMENT PLANT



ATTACHMENT B  
12-MONTH WIND ROSE FOR DALLAS/FORT WORTH, TEXAS

**Attachment F**  
**Process Flow Diagram**  
**Tech Report 1.0, Section 2.C**

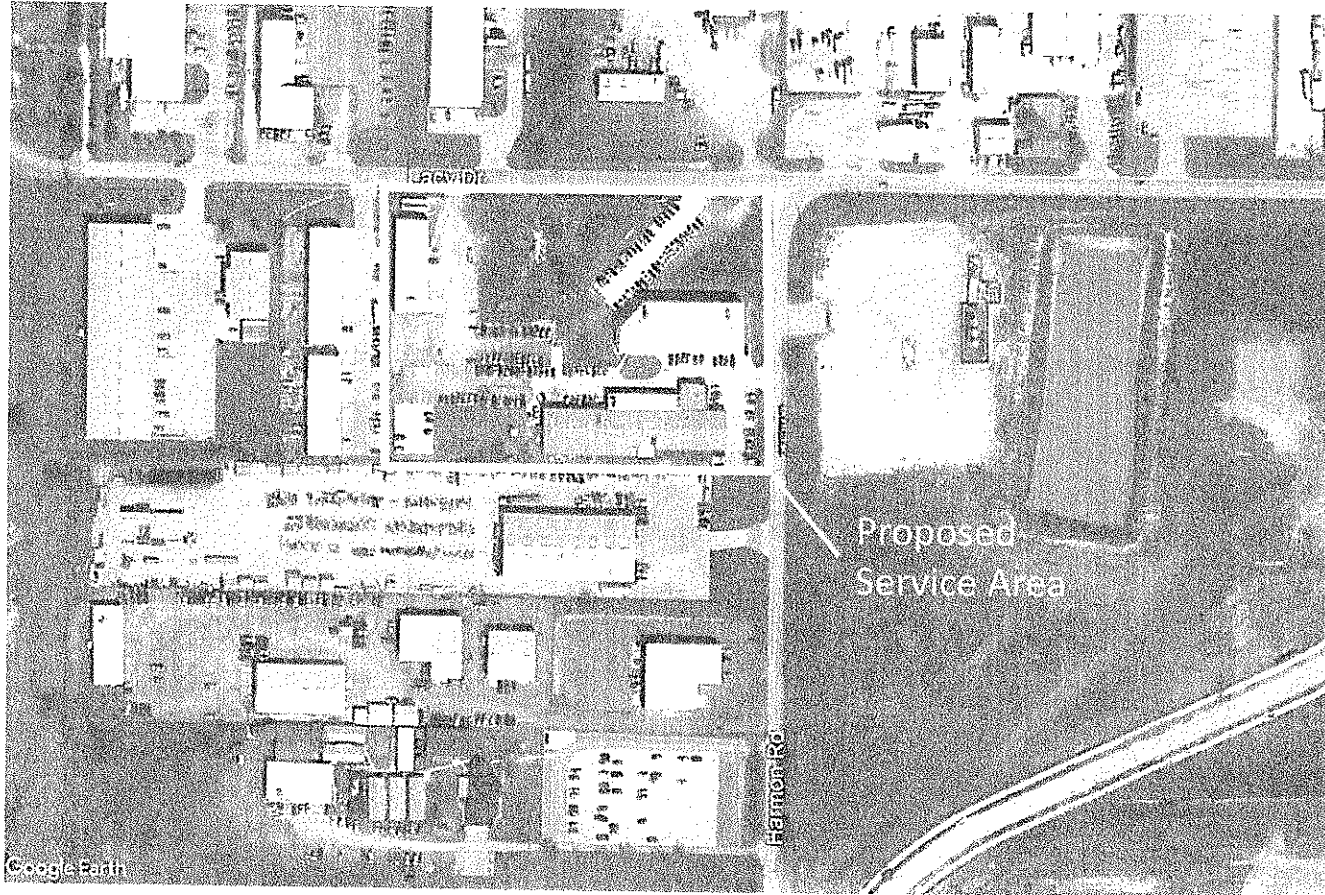
# ACTIVATED SLUDGE – EXTENDED AERATION PROCESS



ATTACHMENT F  
SIGMAPRO PROPERTIES, LLC  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR NEW PERMIT  
PROCESS FLOW DIAGRAM

**Attachment G**  
**Site Drawing**  
**Tech Report 1.0, Section 3**

SPE 18-001



**ATTACHMENT G  
SIGMAPRO PROPERTIES, INC.  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR NEW PERMIT  
SITE DRAWING**



**Attachment H**  
**Justification**  
**Tech Report 1.1, Section 1.A**



**ATTACHMENT H**  
**SIGMAPRO PROPERTIES, LLC**  
**TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**  
**APPLICATION FOR NEW PERMIT**  
**JUSTIFICATION FOR PERMIT**

SigmaPro Properties, LLC (SigmaPro) is located at 13241 Harmon Road, Fort Worth, Texas in Tarrant County. The property is outside the city limits and within the extra-territorial jurisdiction of the City of Fort Worth, approximately 15 miles from the downtown area.

The current buildings on the SigmaPro property are sufficient to provide workspace for 200 employees. Plans have been made to construct new buildings that will provide workspace for an additional 200 employees. Sanitary wastes generated by the employees are from the use of bathrooms and breakrooms. These wastes are currently disposed of in septic tanks that are permitted through the Tarrant County Public Health Department. The increase in wastewater from the additional employees at the site will exceed the treatment system capacity of the septic tanks. Land for additional septic tanks will not be available.

SigmaPro proposes to replace the septic tank systems with a wastewater treatment facility that will discharge to an unnamed tributary. The proposed wastewater treatment facility will treat a monthly average flow of 9,500 gallons per day and a peak flow of 23,700 gallons per day.

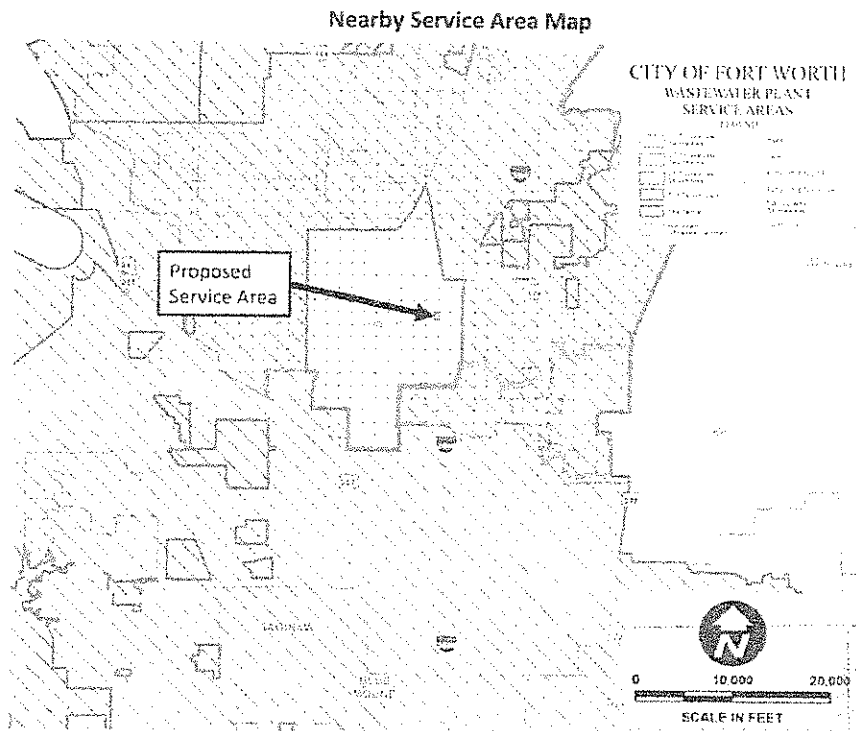
Alternatives to the new wastewater treatment facility were evaluated. Nearby communities with collection systems that are serviced by regional facilities were contacted. None of the communities or the regional providers had plans to extend their system to the SigmaPro property in the near future. In consideration of the costs and schedule for SigmaPro to obtain the necessary easements and construct a pipeline to connect to the nearby collection systems, the alternatives were determined not to be viable.

**Attachment I**  
**Nearby Collection System Area Map**  
**Tech Report 1.1, Section 1.B**

SPE 18-001

**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.



One wastewater collection system is within three miles of the proposed treatment facility. The system services the City of Haslet (City). The City's wastewater 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 City and Authority were contacted. It was verified that neither the City or the Authority is willing to expand the collection system to accept the SigmaPro flows at DCRWS. The anticipated cost for construction of a line to transfer the wastewater generated at the SigmaPro to the City's collection system is greater than the cost of the proposed treatment system. Therefore, connecting to the City's collection system is not a viable option at this time.

**From:** Robert Berman  
**To:** Janet Sims  
**Subject:** FW: Sewer service to my location in Fort Worth ETJ.  
**Date:** Monday, August 20, 2018 10:21:30 AM  
**Attachments:** [image001.png](#)

---

See below email from City of Haslet.

Robert H. Berman



**From:** Travis Attanasio <tattanasio@haslet.org>  
**Sent:** Monday, August 20, 2018 10:20 AM  
**To:** Robert Berman <robert@sigmaproeng.com>  
**Subject:** RE: Sewer service to my location in Fort Worth ETJ.

Mr. Berman,

Pursuant to the agreement between the City of Haslet and the Trinity River Authority (the City's sewer provider) waste water sewer service can only be allowed to properties within the City Limits of Haslet. Since your property is located in the Fort Worth ETJ the City of Haslet cannot provide sewer service.

Please contact me with any further questions.

Thank you,

Travis N. Attanasio, P.E., CFM  
City Engineer  
City of Haslet  
101 Main Street  
Haslet, TX 76052  
(817)439-5931x112

**From:** Robert Berman <robert@sigmaproeng.com>  
**Sent:** Friday, August 17, 2018 11:59 AM  
**To:** Travis Attanasio <tattanasio@haslet.org>  
**Subject:** Sewer service to my location in Fort Worth ETJ.

Travis,

Per our conversation can you please confirm that you are not able to provide service to my location

for waste water. We are located on the South Side of Lacy Road and the West side of Harmon Road in the Fort Worth ETJ.

Thanks for your time.

Robert Berman

Robert H. Berman



13241 Harmon Rd  
Fort Worth, Texas 76177  
817.675.1736 (cell)  
682.888.1239 (office)

**Janet Sims**

---

**To:** John Bennett  
**Subject:** RE: Service Request

Mr. Perkins,

The Authority will not be able to provide service to the facility located at 13241 Harmon Rd., Fort Worth, Texas 76177. The Authority does not contract with individual facilities but we do provide services to the City of Ft. Worth. As such, the City of Ft. Worth would need to provide a Point of Entry on their behalf in order to proceed with the approval process. We do have capacity in our system to accept these flows. However, it would be incumbent upon the contracting parties to build the infrastructure required to deliver these flow to our system. Our closest manhole is in section 25-HC-5 manhole node 240H, located approximately two mile to the north of their facility.

Feel free to contact me if further discussion is required,

John K. Bennett  
Manager, DCRWS  
817-430-4657 office  
817-822-5673 cell

**From:** Mark Perkins [<mailto:mperkins@perkinsconsultants.com>]  
**Sent:** Sunday, August 19, 2018 11:22 PM  
**To:** John Bennett <[BennettJ@trinityra.org](mailto:BennettJ@trinityra.org)>  
**Cc:** Janet Sims <[jsims@perkinsconsultants.com](mailto:jsims@perkinsconsultants.com)>  
**Subject:** FW: Service Request

Hi John –  
Please let me know if you need additional information in order to respond to this.  
Thanks

Mark

**From:** Mark Perkins  
**Sent:** Wednesday, July 11, 2018 8:00 AM  
**To:** 'John Bennett' <[BennettJ@trinityra.org](mailto:BennettJ@trinityra.org)>  
**Cc:** Janet Sims <[jsims@perkinsconsultants.com](mailto:jsims@perkinsconsultants.com)>  
**Subject:** Service Request

John:

As we discussed earlier, we are working to provide expanded domestic wastewater service for a privately-owned manufacturing facility in the Fort Worth ETJ. The facility address is 13241 Harmon Rd., Fort Worth, Texas 76177. The facility's domestic wastewater needs are currently served by on-site aerobic systems. We are tentatively planning for a future average daily flow of 8000 to 10,000 gallons per day.

Can you provide information as to whether the Authority's Denton Creek Regional Wastewater System could provide service to this customer, and (if so) what procedures would be required? Our client has also been in communication with the City of Fort Worth regarding service through the City.

Thanks for your help.

Mark A. Perkins, P.E.  
Perkins Engineering Consultants, Inc.  
6001 Interstate 20 West, Suite 219  
Arlington, Texas 76017  
Main (817) 719-0372 Direct (817) 330-0481 Cell (817) 690-2747

**Attachment J**  
**Design Calculations**  
**Tech Report 1.1, Section 4**



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

DESIGN CALCULATIONS

Prepared for TCEQ Review by:  
Charlotte G. Smith, Tx. PE 90300,  
Perkins Engineering Consultants, Inc., TPBE Firm No. 8699, August 23, 2018

Final Phase Flows and Loadings

	Units	Total
Average Daily Flow	MGD	0.0095
Peak Two-Hour Flow	MGD	0.0237
Peak Two-Hour Flow	gpm	16.4
CBOD <sub>5</sub> Concentration	mg/L	300
CBOD <sub>5</sub> Loading at Average Flow	lbs/day	24

Aeration Basin

	Total	Units
No. of Basins	1	
Depth at Normal WSE	9.5	ft
Width	10.0	ft
Length	30.5	ft
Volume, Total	2,990	cf
	22,400	gal
Design Maximum Organic Loading	7.9	lbs BODs/day/1,000cf
<b>TCEQ Design Maximum Allowable Organic Loading</b>	<b>15</b>	<b>lbs BODs/day/1,000cf</b>

Secondary Clarifier

	Total	Units
No. of Basins	1	
Depth to Top of Hopper at Normal WSE	4.0	ft
Width	10.0	ft
Length	7.25	ft
Surface Area, Total	72.5	sf
Volume, Total	290	cf
	2,170	gal
Surface Loading Rate at Design Flow	131	gpd/sf
Surface Loading Rate at Peak Flow	327	gpd/sf
<b>TCEQ Maximum Surface Loading Rate at Peak Flow</b>	<b>800</b>	<b>gpd/sf</b>
Detention Time at Design Flow	5.5	hrs
Detention Time at Peak Flow	2.2	hrs
<b>TCEQ Minimum Detention Time at Peak Flow</b>	<b>2.2</b>	<b>hrs</b>
Peak Flow Capacity based on Surface Loading	0.0580	MGD
Peak Flow Capacity based on Detention Time Criteria	0.0237	MGD

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

DESIGN CALCULATIONS

Chlorine Contact Chamber

	Total	Units
No. of Chlorine Contact Basins	1	
Volume, Total	73	cf
	545	gal
Detention Time at Peak Flow	33.2	min
TCEQ Minimum Detention Time at Peak Flow	20	min

All facilities meet design criteria for design and peak flows.

Facility Design Features

*a. Design Features for Reliability and Operating Flexibility*

The WWTP will have fine bubble diffusers that can be removed from the top of the tank one at a time for cleaning without shutting down the system. Fine bubble disc diffusers deliver high oxygen transfer efficiency and have a high life expectancy with low maintenance. With the small size of this system, temporary pumping and hauling of wastewater can be done for short periods of time if necessary.

*b. Excessive inflow or infiltration*

All treatment units offer approximately 18" freeboard.

The SigmaPro WWTP will only serve the SigmaPro facility. The collection system is short, with all collection system lines not directly under the concrete floor of the facility under pressure, significantly limiting the potential for any inflow or infiltration.

*c. Power Failure*

A quick-disconnect device is planned to enable a generator to be connected quickly if needed. Since the entire plant is expected to run efficiently with approximately 10 horsepower, a small portable generator is expected to be sufficient. A permanently-installed generator is not proposed due to the potential for theft.

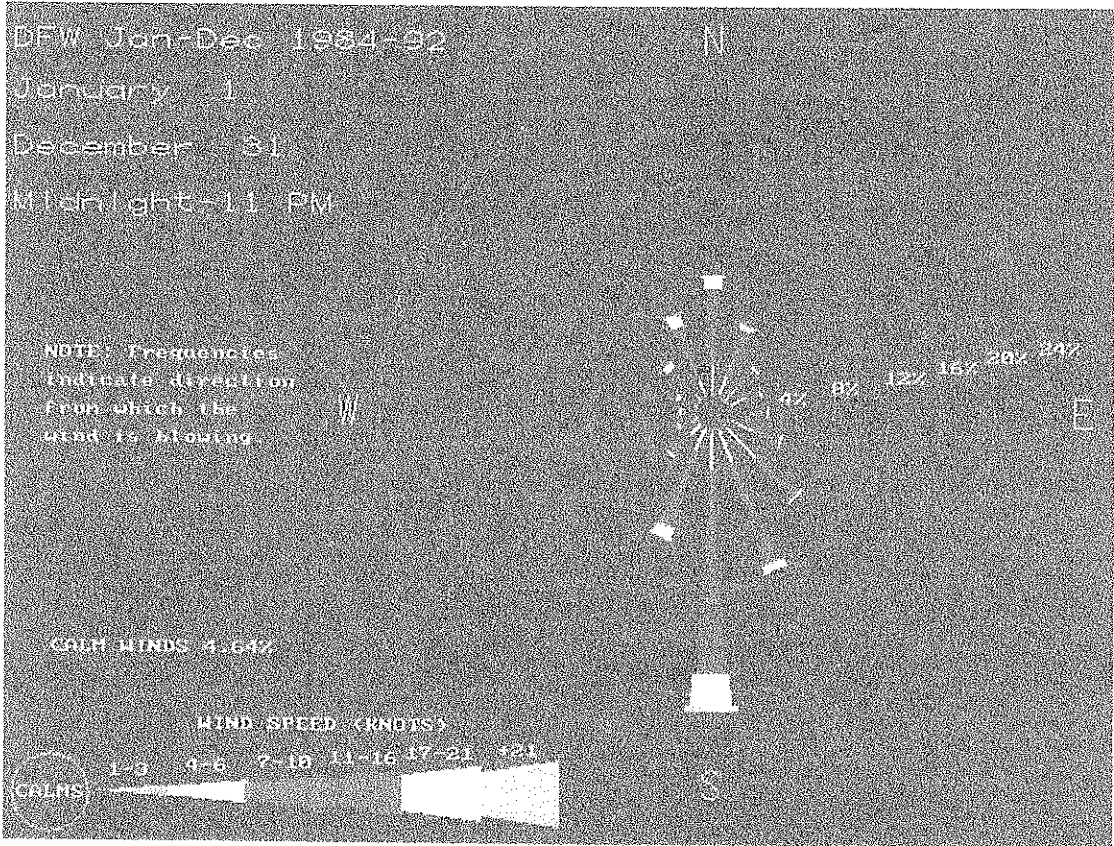
*d. Equipment Malfunction*

Each major piece of mechanical equipment (pumps, blowers, and RAS pumps are being provided in duplicate. One unit should be capable of running the plant with the other out of service.

*e. Facility unit Maintenance & Repair*

All major equipment will be accessible from the working surface above the plant or from ground level beside the plant.

**Attachment K**  
**Wind Rose**  
**Tech Report 1.1, Section 5.B**



ATTACHMENT K  
 SIGMAPRO PROPERTIES, LLC  
 TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
 APPLICATION FOR NEW PERMIT  
 WIND ROSE

**Attachment L**  
**Sewage Sludge Solids Management Plan**  
**Tech Report 1.1, Section 7**

**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 Italy WWTP, WQ0014195001.

**Supplemental Permit Information Form**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)**

**FOR AGENCIES REVIEWING DOMESTIC  
TPDES WASTEWATER PERMIT APPLICATIONS**

<b>TCEQ USE ONLY:</b>	
Application type: <input type="checkbox"/> Renewal <input type="checkbox"/> Major Amendment <input type="checkbox"/> Minor Amendment <input checked="" type="checkbox"/> New	
County: <u>Tarrant</u>	Segment Number: <u>0826</u>
Admin Complete Date: <u>10/8/18</u>	
Agency Receiving SPIF:	
<input checked="" type="checkbox"/> Texas Historical Commission	<input checked="" type="checkbox"/> U.S. Fish and Wildlife
<input checked="" type="checkbox"/> Texas Parks and Wildlife Department	<input checked="" type="checkbox"/> U.S. Army Corps of Engineers

**This form applies to TPDES permit applications only.** (Instructions, Page 53)

The SPIF must be completed as a separate document. The TCEQ will mail a copy of the SPIF to each agency as required by the TCEQ agreement with EPA. If any of the items are not completely addressed or further information is needed, you will be contacted to provide the information before the permit is issued. Each item must be completely addressed.

Do not refer to a response of any item in the permit application form. Each attachment must be provided with this form separately from the administrative report of the application. The application will not be declared administratively complete without this form being completed in its entirety including all attachments.

The following applies to all applications:

- I. Permittee: SigmaPro Properties, LLC

Permit No. WQ00

EPA ID No. TX

Address of the project (or a location description that includes street/highway, city/vicinity, and county):

<b>13241 Harmon Road, Fort Worth in Tarrant County Texas</b>
--

Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.





Construction of proposed wastewater treatment facility will impact less than 0.25 acres of surface.

7. Describe existing disturbances, vegetation, and land use:

The location of the proposed wastewater treatment facility is a vacant field of mowed grass.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

8. List construction dates of all buildings and structures on the property:

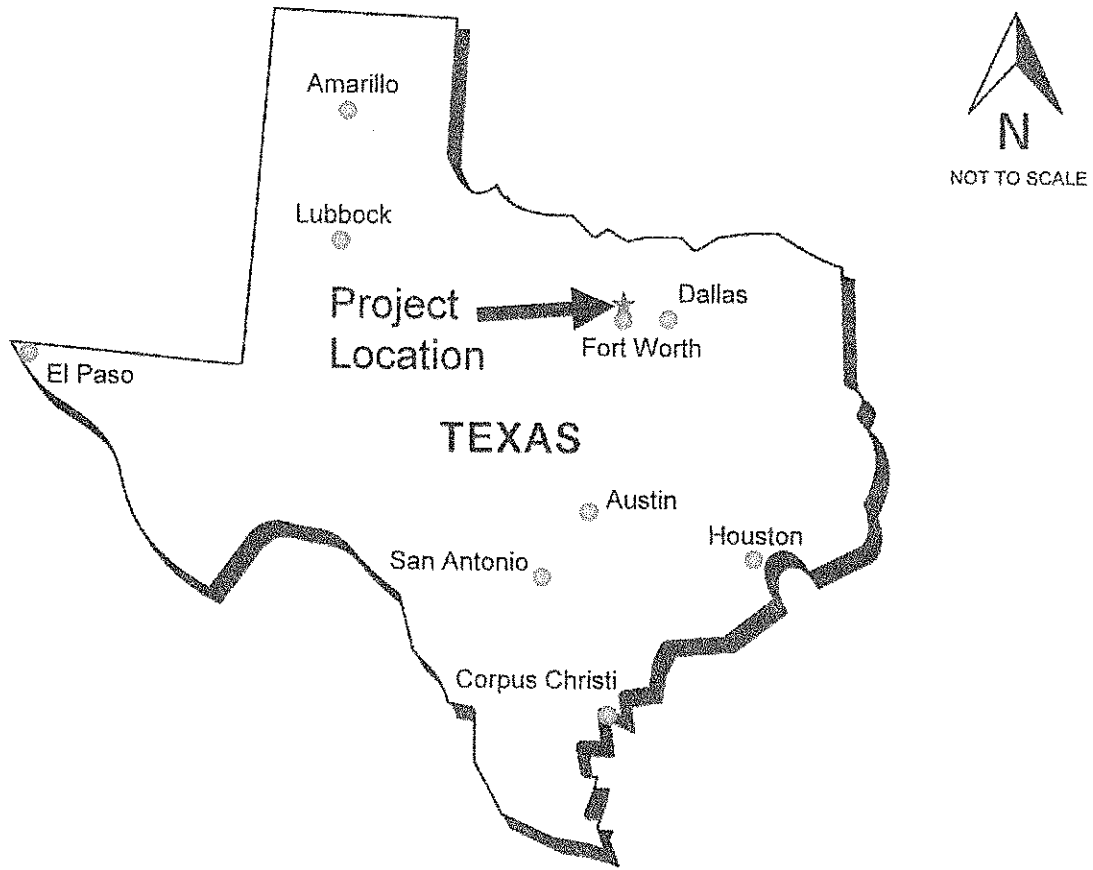
No structure on vacant area.

9. Provide a brief history of the property, and name of the architect/builder, if known.

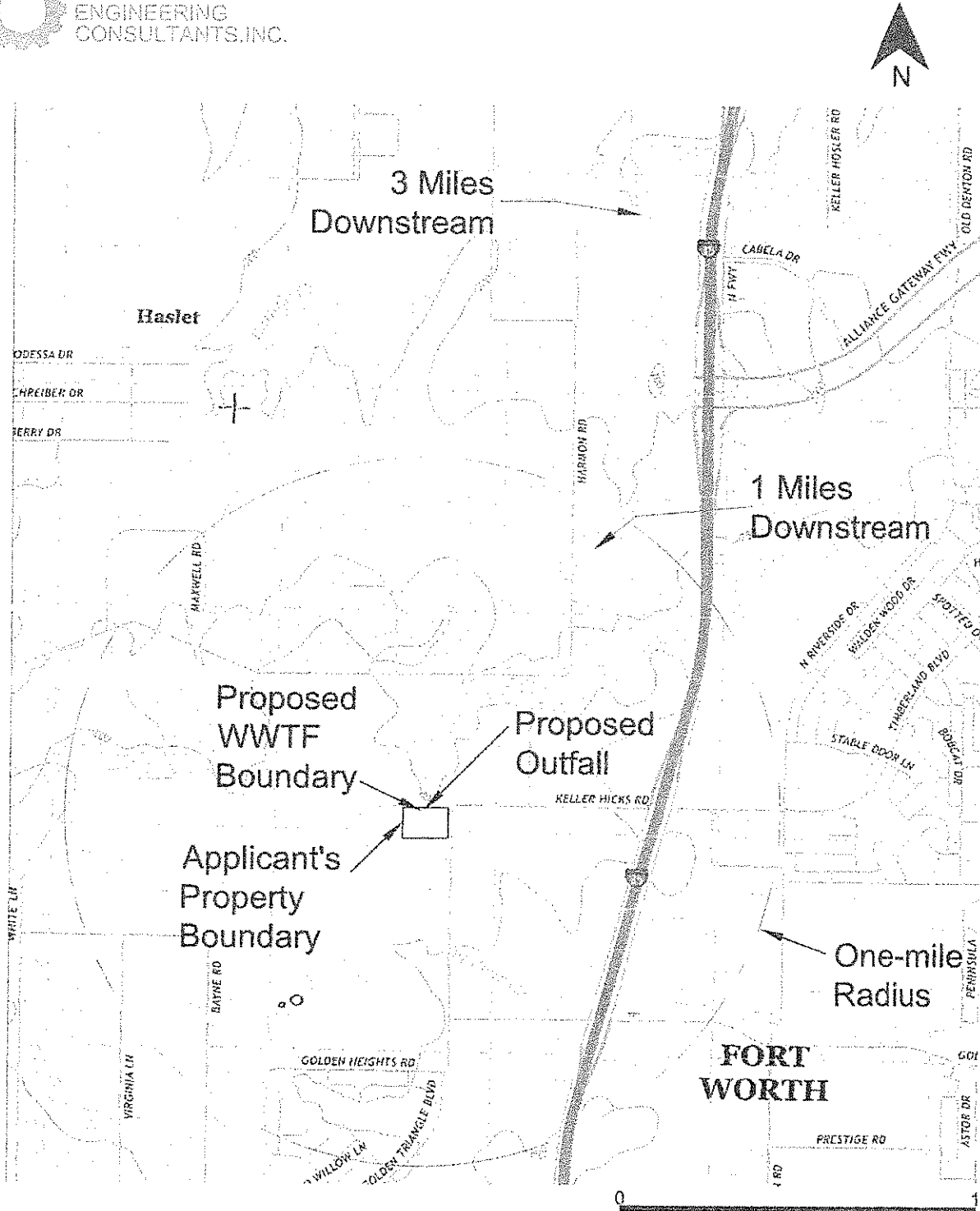
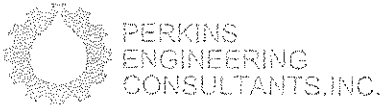
SigmaPro Properties, LLC purchased the property in 2013. Since the purchase, renovations to the buildings, upgrades to the septic system, and construction of new building have been completed. The history of the property prior to its purchase by SigmaPro Properties, LLC is unknown.

**Supplemental Permit Information Form**

- **SPIF-1 General Location Map**
- **SPIF-2 USGS Map**



**SPIF-1  
SIGMAPRO PROPERTIES, LLC  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
APPLICATION FOR NEW PERMIT  
GENERAL LOCATION MAP**



SPIF-2  
SIGMAPRO PROPERTIES, LLC  
WASTEWATER TREATMENT FACILITY  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
USGS MAP



PERKINS  
ENGINEERING  
CONSULTANTS, INC.

13749 N. Highway 183 #16  
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

RECEIVED

SEP 28 2018

Water Quality Division  
Application Team

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.

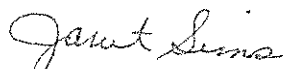
4. The portion of the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit that was provided in your letter has been reviewed. The information is accurate and complete.

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,



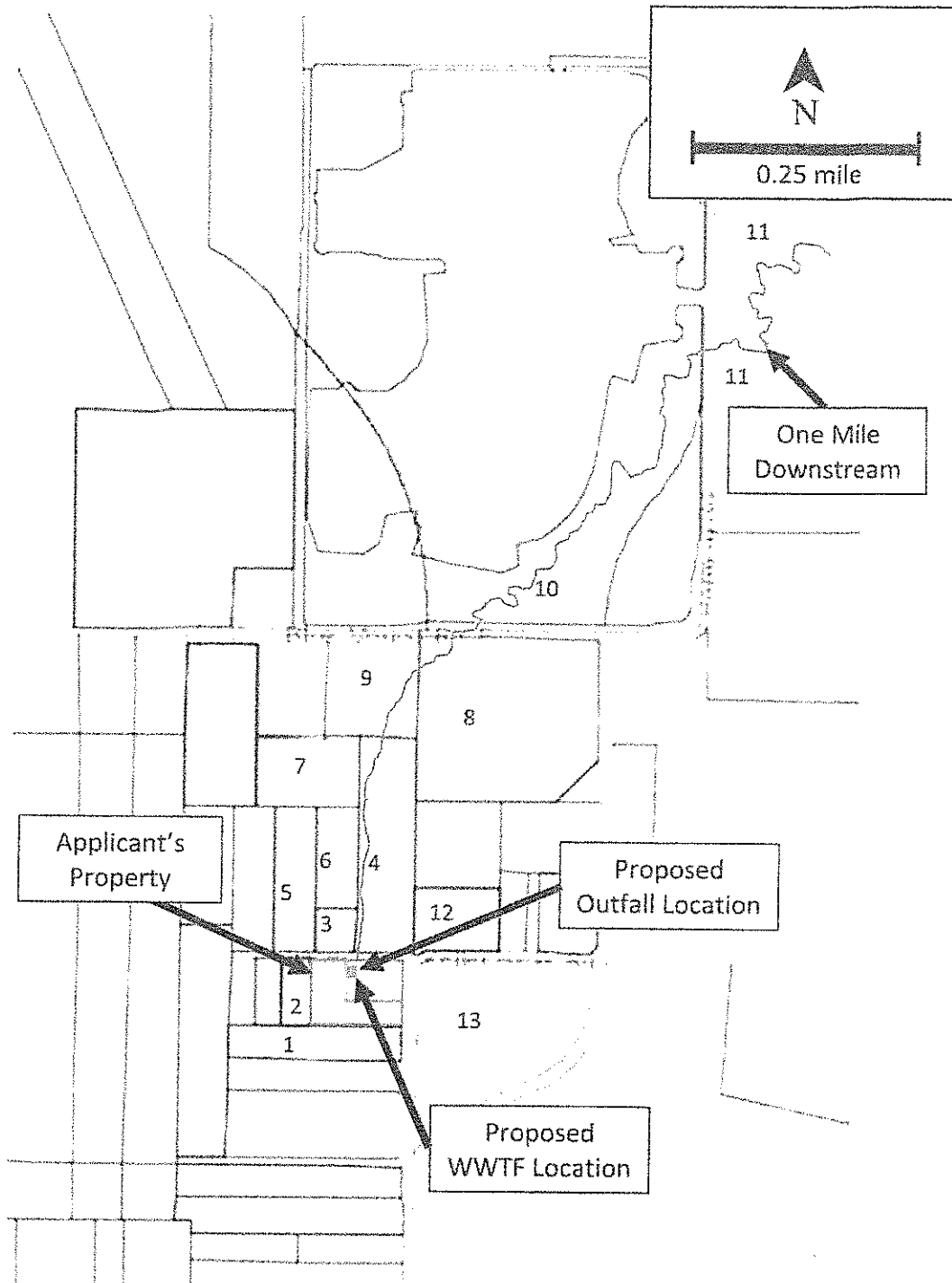
Janet Sims  
Perkins Engineering Consultants, Inc.

Enclosures

Cc: Robert Berman, SigmaPro  
Mark Perkins, PE/CI

**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**



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**

SPE 18-001

**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

Account #: 06985513

 Location

**Property Address:** 1817 LACY DR [Interactive Map](#)  
**City:** TARRANT COUNTY  
**Zipcode:** 76052  
**Georeference:** [A 611-1E04](#)  
**Neighborhood Code:** [WH-Alliance/Alliance Gateway General](#)  
**Latitude:** 32.9439110553  
**Longitude:** -97.3232784386  
**TAD Map:** [2054-464](#)  
**MAPSCO:** [TAR-021E](#)

 Property Data

**Legal Description:** GOODWIN, J M SURVEY  
Abstract 611 Tract 1E4 & 1H  
**Jurisdictions:** 220 TARRANT COUNTY  
911 NORTHWEST ISD  
224 TARRANT COUNTY  
HOSPITAL  
225 TARRANT COUNTY  
COLLEGE  
222 EMERGENCY SVCS DIST #1

**Site Number:** [80726690](#)  
**Site Name:** J M COX SALES  
**Site Class:** WHStorage - Warehouse-Storage  
**# of Parcels:** 1

**State Code:** F1 Commercial

**Primary Building:**  
**Building Name:** WAREHOUSE / 06985513  
**Building Type:** Commercial  
**Year Built:** 1997

**Personal Property Account:** [14519505](#)

**Gross Building Area** †††: 13,300  
**Net Leasable Area** †††: 13,300  
**Land Sqft** \*: 435,600  
**Land Acres** \*: 10.0000

**Agent:** None

**Pool:** N

††† Rounded

\* This represents one of a hierarchy of possible values ranked in the following order: Recorded, Computed, System, Calculated



## Owner Information

**Current Owner:**

1817 LACEY LTD  
 C/O HASLET PROPERTY MANAGEMENT LLC  
 1755 N CENTRAL EXPW STE 105  
 RICHARDSON, TX 75080

**Deed Date:** 07-13-2005  
**Instrument:** 600008505

**Previous Owners:**

Name	Date	Instrument	Deed Vol	Deed Page
COX & GREER PROPERTIES LTD	03-28-2002	00155690000243	0015569	0000243
COX & GREER PROPERTY MGMT LLC	09-25-2001	00151640000153	0015164	0000153
SDS PROPERTIES	06-23-1997	00128210000507	0012821	0000507
SMITH DAVID;SMITH SUSAN LUCKY	10-31-1996	00125780001783	0012578	0001783



## Values

This information is intended for reference only and is subject to change. It may not accurately reflect the complete status of the account as actually carried in TAD's database. [Tarrant County Tax Office Account Information](#)

Year	Improvement Market	Land Market	Total Market	Total Appraised †
2022	\$0 (Pending)	\$0 (Pending)	\$0 (Pending)	\$0 (Pending)
2021	\$673,785	\$187,040	\$860,825	\$860,825
2020	\$673,785	\$187,040	\$860,825	\$860,825
2019	\$673,785	\$187,040	\$860,825	\$860,825
2018	\$443,768	\$187,040	\$630,808	\$630,808
2017	\$408,500	\$187,040	\$595,540	\$595,540

A zero value indicates that the property record has not yet been completed for the indicated tax year

† Appraised value may be less than market value due to state-mandated limitations on value increases



## Exemptions

Exhibit C

05714303	2018-04 06676448	07540728	07540736	06985513 2004-04	04013239
42728396	2018-04 07157088	07157029	40689484	07157029	04013239
06676448	07157088	41677781	07157029	07157029	04013239
06676448	07157088	41677781	07157029	07157029	04013239
06676448	07157088	41677781	07157029	07157029	04013239
06676448	07157088	41677781	07157029	07157029	04013239



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

**AFFIDAVIT OF MABEL SIMPSON**

STATE OF TEXAS	§
	§
COUNTY OF DALLAS	§

BEFORE ME, the undersigned authority, on this day personally appeared Mabel Simpson, who on her oath, did depose and say as follows:

1. My name is Mabel Simpson. I am over twenty-one (21) years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the President of Haslet Property Management, LLC, the General Partner of 1817 Lacey, Ltd., the owner of the real property located at 1817 Lacy Drive in Fort Worth. 1817 Lacey, Ltd. has owned that property since 2005. The business address of 1817 Lacey, Ltd. is 1755 N. Collins Blvd., #105, Richardson, Texas 75080. 1817 Lacey, Ltd. is owned by the General Partner, myself and Brad Greer. The property located at 1817 Lacy Drive is immediately adjacent to the wastewater discharge point authorized by TPDES Permit No. WQ0015722001 issued in 2019 to SigmaPro Properties, LLC ("SigmaPro") for its property located at 13241 Harmon Road in Fort Worth.

3. It is my understanding that the rules and procedures of the Texas Commission on Environmental Quality ("TCEQ") require an applicant for a TPDES permit to provide accurate

information concerning neighboring properties so that notice of the application can be provided to those who might be affected. I have reviewed the permit application file regarding SigmaPro's application for its TPDES permit, which I received in response to a Public Information Request I made to the TCEQ, and I see no reference to any disclosure by SigmaPro regarding 1817 Lacey, Ltd. or any of the individuals, such as myself, associated with the ownership of 1817 Lacy Drive.

4. Because SigmaPro did not provide accurate information to TCEQ regarding the identity and address of the owners of 1817 Lacy Drive in its permit application, neither 1817 Lacey, Ltd. nor anyone associated with the ownership of 1817 Lacy Drive received any notice of SigmaPro's application. The first time we ever heard anything regarding the TCEQ's issuance of SigmaPro's TPDES permit was in June of 2020, when our current tenant called to complain of water ponding behind the building on our property. Neither I nor anyone else associated with the ownership of 1817 Lacey, Ltd. ever received any mailing or similar notice from the TCEQ regarding any application for a permit to discharge wastewater onto the property at 1817 Lacy Drive.

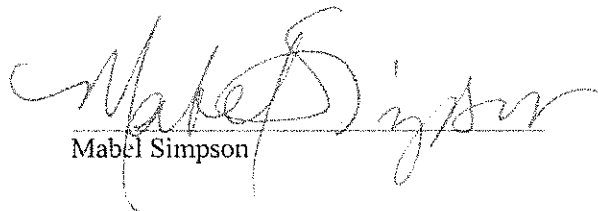
5. I understand that, had 1817 Lacey, Ltd. been put on notice of SigmaPro's permit application, we would have had the opportunity to present to the TCEQ our views of and opposition to the application, and further to request a contested case hearing on the application. I can say without any hesitation whatsoever that that is exactly what 1817 Lacey, Ltd. would have done, had it been made aware of the permit application when it was pending.

6. 1817 Lacey, Ltd. would have vigorously opposed SigmaPro's application because it would have been obvious that the water discharge at issue would negatively affect our property at 1817 Lacy Drive. The permitted discharges from SigmaPro's property have caused incredible harm to the property, including unexpected flooding and stagnant ponding of algae-ridden water,

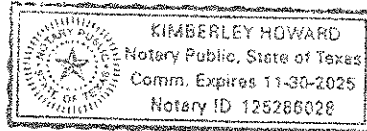
and to the business that has been conducted on the property by us and our tenants. The wastewater discharges, which consist of significant amounts of liquids, flow across the property and have killed vegetation in its path while growing thick green algae ponds that are stagnant and emit foul odors. This green liquid water saturates the ground and interferes with the currently in use on-site septic system. The fact that these adverse impacts could occur under a permit issued by the TCEQ would have been immediately clear upon 1817 Lacey, Ltd's review of SigmaPro's permit application – the one that we never got to see – in light of the natural contours of the land in relation to the details outlined in the permit as to the water discharge path and the volume of water SigmaPro sought authorization to discharge. Our review of the application would have clearly shown that our property would have been impacted immediately and adversely; however, we were never given notice to review SigmaPro's application.

7. If 1817 Lacey, Ltd. had received notice of the application, we could and would have explained the negative impacts of approving such an application and the problems created if the TCEQ were to issue such permit, and we could and would have shown the TCEQ why we were opposed to the permit being issued. Further, we would have requested a contested case hearing to present evidence to show why the permit should not be issued. Instead, 1817 Lacey Ltd. had no opportunity to do or say anything about the application before it was issued. We believe this situation is unfair because we were unable to have our voice heard on a matter that greatly negatively affects and harms our property.

Further, Affiant sayeth not.

  
Mabel Simpson

SWORN TO and subscribed before me on the 1 day of April, 2022, by  
Mabel Simpson.



*Kimberley Howard*  
Notary Public, State of Texas

**PETITION BY 1817 LACEY, LTD.  
TO REVOKE TEXAS POLLUTION  
DISCHARGE ELIMINATION  
SYSTEM (“TPDES”) PERMIT  
NO. WQ0015722001**

§  
§  
§  
§  
§

**BEFORE THE TEXAS COMMISSION  
  
ON  
  
ENVIRONMENTAL QUALITY**

**EXHIBIT E TO PETITION TO REVOKE TPDES PERMIT**

**DECLARATION OF CASEY A. BELL**

I am a licensed attorney in the State of Texas and represent 1817 Lacey, Ltd. in the above-styled matter. On April 1, 2022, on behalf of 1817 Lacey, Ltd., I mailed a copy of this petition and its exhibits, together with notice of 1817 Lacey, Ltd.’s intent to file the petition and exhibits with the Texas Commission on Environmental Quality (“TCEQ”), to SigmaPro Properties, LLC’s last address of record with the TCEQ via certified mail, return receipt requested.

My name is Casey Allen Bell. My date of birth is July 2, 1974. My address is 600 Congress Avenue, Suite 1900, Austin, Texas 78701, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Travis County, State of Texas, on this 21<sup>st</sup> day of April, 2022.



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Casey A. Bell

**TPDES PERMIT NO. WQ0015722001**

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

**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.<sup>1</sup> 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

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<sup>1</sup> 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 352<sup>nd</sup> 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

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**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@elitepipingcivil.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 352<sup>nd</sup> 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](mailto: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](mailto: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](mailto:ed@ermlawfirm.com)  
[eddie@ermlawfirm.com](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:pep@tceq.texas.gov)

**Exhibit “A”**

**Affidavit of Janet Sims**

**TCEQ Docket No. 2022-0531-MWD**

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

**AFFIDAVIT**

<b>STATE OF TEXAS</b>	§
	§
<b>COUNTY OF TRAVIS</b>	§

**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.

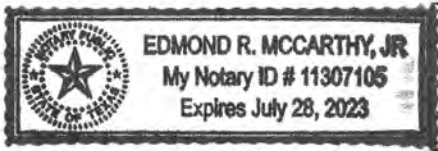


Janet Sims  
Janet Sims, AFFIANT

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.

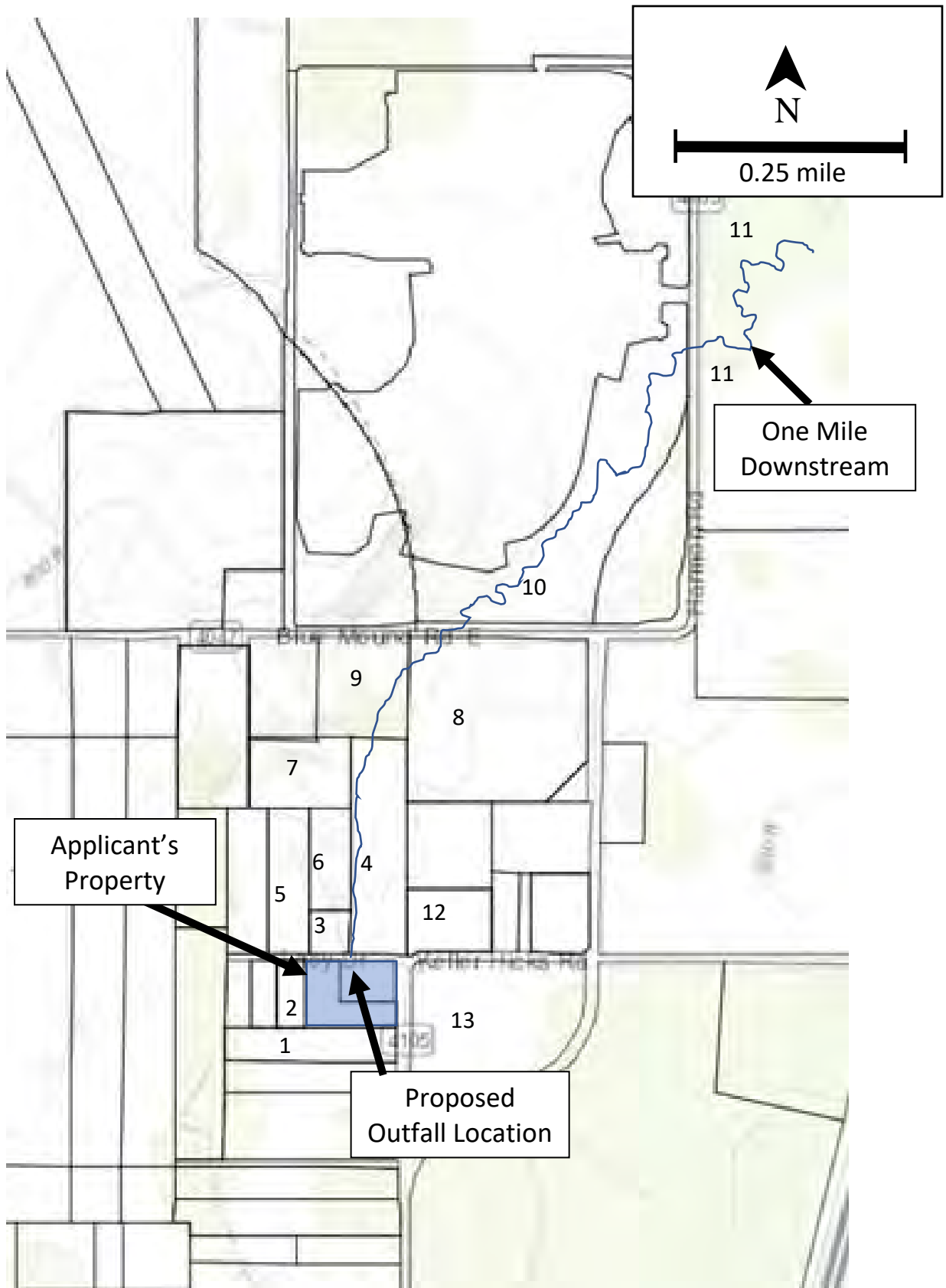
Edmond R. McCarthy, Jr.  
Notary Public, State of Texas  
Printed Name: \_\_\_\_\_  
Notary No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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

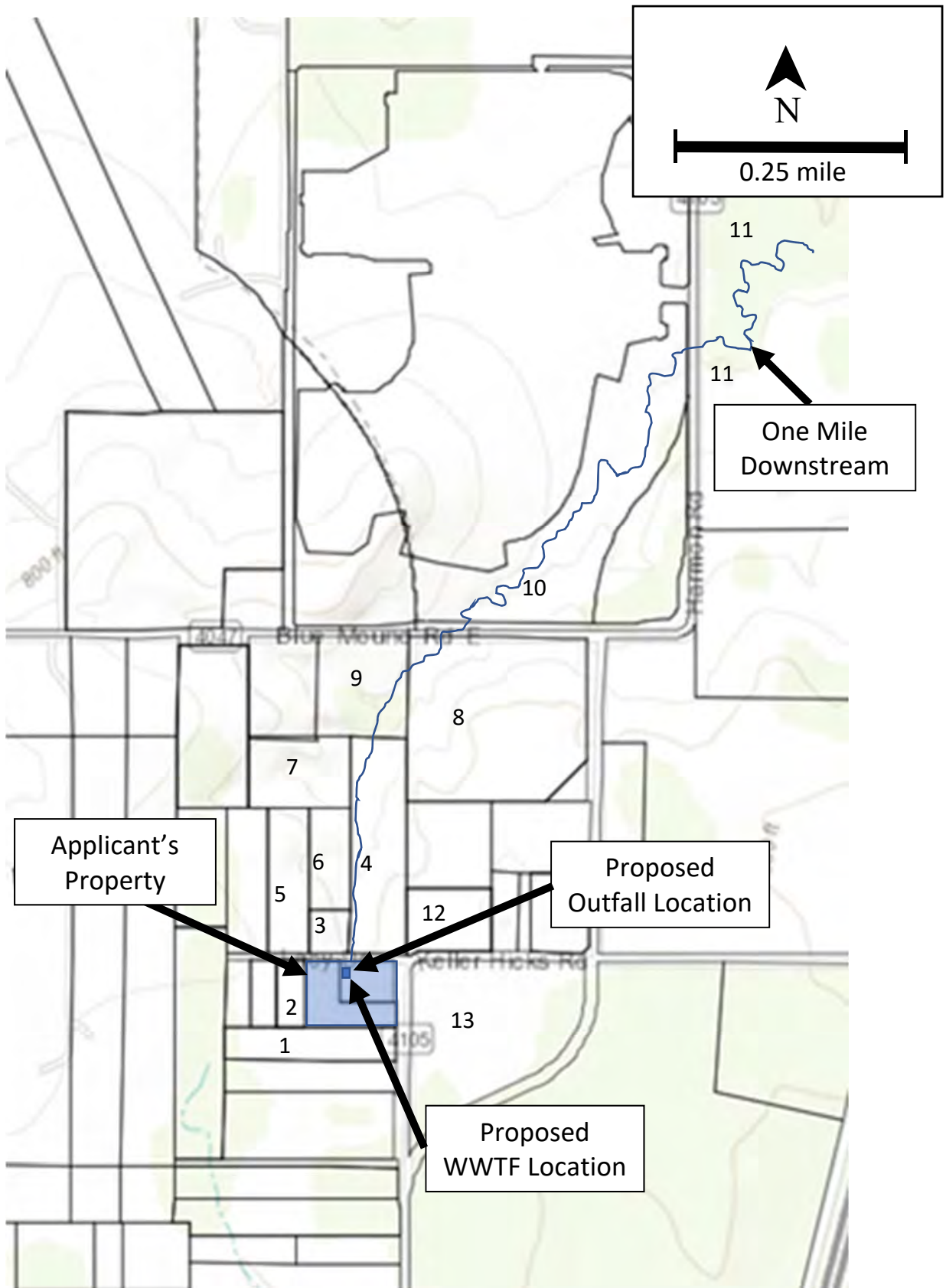
Janet Sims  
Perkins Engineering Consultants, Inc.

Enclosures

Cc: Robert Berman, SigmaPro  
Mark Perkins, PECl

**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

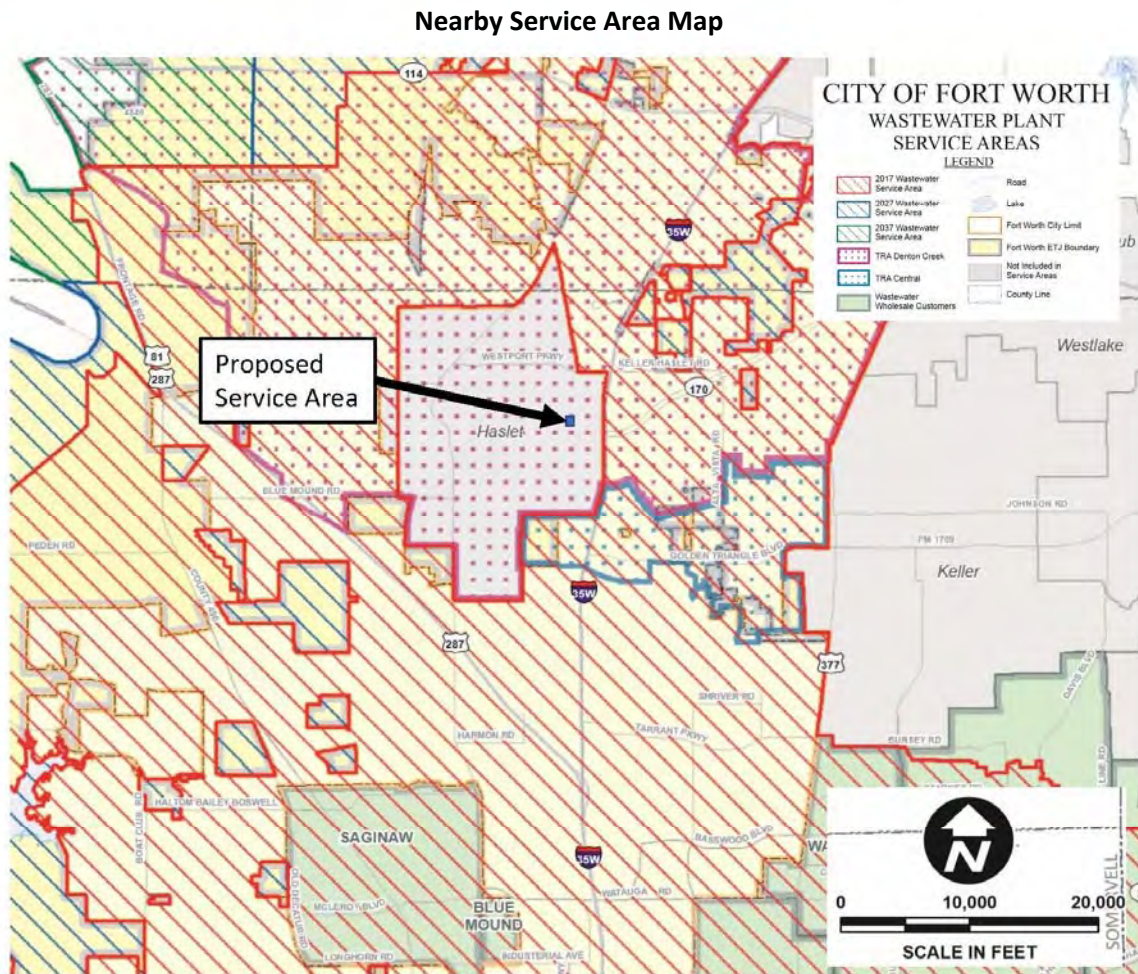
TCRG OPPORTUNITY IX LLC  
5201 CAMP BOWIE BLVD STE 200  
FORT WORTH TX 76107

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 presented on the map below.



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: [redacted]

TCEQ permit or registration number: [redacted]

County where disposal site is located: [redacted]

**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.

<b>Percent of Design Flow</b>	<b>Dry Pounds Per Day</b>
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)*

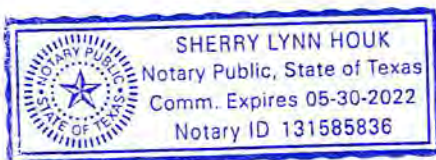
Subscribed and sworn to before me this the 8 day of, November  
2018

(Seal)

[Signature]  
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 bargesank 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 (16.6 metric tons at 20 mph).

In summary, it is impossible to overstate the vast

improvements in mileage and lower emissions from automobiles that have resulted from government mandates.

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 7

**LYNN SMITH**  
Chevrolet.net

CHEVROLET

## HUGE PRE-OWNED SALES EVENT

CERTIFIED PRE-OWNED

<p>2015 GMC TERRAIN</p> <p><b>\$20,000</b>     stk#49257A</p>	<p>2018 CHEVROLET CAMARO LT RS</p> <p><b>\$24,000</b>     stk#A4670</p>	<p>2018 IMPALA PREMIUM</p> <p><b>\$25,000</b>     stk#A4617</p>
<p>2018 BUICK LACROSSE</p> <p><b>\$26,000</b>     stk#A4658</p>	<p>2018 GMC ACADIA SLE</p> <p><b>\$29,000</b>     stk#A4697</p>	<p>2018 CHEVROLET SILVERADO CREW CAB LTZ TEXAS ED.</p> <p><b>\$40,000</b>     stk#45410A</p>

\$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

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

Mitsubishi Galant 2002 xcond loaded

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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  
11Z 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

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## misc. automotive

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CHEVROLET  
RELAX...AND ENJOY  
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GRAPEVINE, TX  
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## recreation

## camping/motorhomes

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of DFW

## NOW OPEN!

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

KennedaleCamperSales.com  
BUY - RENT - 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. per-  
sonable driver for Dr. appts,  
church, etc. Need to be depend-  
ent, respectable, willing to drive  
in Mansfield area, reliable car &  
ins. Must be avail. upon request  
Pay monthly 817468-3832 Call  
8a-9p, Iv msg. Mr. Ryder

## legals classified

## legals &amp; 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?at=32.941388&lng=-97.323888&zoom=13&type=r>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined

## legals &amp; 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 &amp; 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 re-claimed 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](http://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](http://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

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### automotive

#### automobiles

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CADILLAC XTS 2015 4dr auto load-  
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Limited Lifetime Powertrain Warr  
Call Now 817696-2211 #V239409A

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38k, \$7950 817-918-0985

Ford Taurus SE 2013 4dr auto load-  
ed 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.  
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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 #P22749

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

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A CAR SHOW  
Saturday October 20, 5-9pm  
Christmas Show, \$15 plus new un-  
wrapped toy

[www.christianclassicscruisers.com](http://www.christianclassicscruisers.com)  
Precinct Line Rd @ Mid-Cities Blvd.  
817-521-4944 Rain Date Oct 27th

CALL 817.332.3333  
& Place Your Ad NOW

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PRICING ON:**

**Honda Certified  
Used Cars  
817-803-9560**

**HugginsHonda.com**

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

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Limited Lifetime Powertrain Warr  
Call Now 817696-2211 #P22798

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Limited Lifetime Powertrain Warr  
Call Now 817696-2211 #V395614A

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JEEP PATRIOT 2016 Sport 5dr auto  
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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 4wd crew  
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, 69246 miles, \$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 Limit-  
ed red 51383 miles, \$17991  
Limited Lifetime Powertrain Warr  
Call Now 817696-2211 #V105392A

### trucks & vans

**VANDERGRIF  
TOYOTA  
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GRAPEVINE, TX  
CLASSICCHEVPREOWNED.COM**

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of DFW**

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109 N. Chandler Dr.  
**AirstreamDFW.com**

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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

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### misc employment

#### situations/employment wanted

I AM a Caregiver with 15 yrs exp.  
Live in. I am cert in CPR Also Cer-  
tified 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. per-  
sonable driver for Dr. appts,  
church, etc. Need to be depend-  
ent, 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 Prop-  
erties, LLC, 13241 Harmon Road,  
Fort Worth, Texas 76177, has  
applied to the Texas Commis-  
sion on Environmental Quality  
(TCEQ) for proposed Texas Pol-  
lutant 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 gal-  
lons 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 Hen-  
rietta Creek thence to Denton  
Creek thence to Grapevine  
Lake. TCEQ received this appli-  
cation on August 30, 2018. The  
permit application is available  
for viewing and copying at Has-  
let Public Library, 100 Gammill  
Street, Haslet Texas. This link to  
an electronic map of the site or  
facility's general location is pro-  
vided 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=zoom=13&type=r>

ADDITIONAL NOTICE. TCEQ's Ex-  
ecutive Director has determined  
the application is administra-  
tively complete and will conduct  
a technical review of the appli-  
cation. After technical review of  
the application is complete, the  
Executive Director may prepare  
a draft permit and will issue a  
preliminary decision on the ap-  
plication. Notice of the Applica-  
tion and Preliminary Decision  
will be published and mailed to  
those who are on the county-  
wide mailing list and to those  
who are on the mailing list for  
this application. That notice will  
contain the deadline for submit-  
ting public comments.

**PUBLIC COMMENT / PUBLIC  
MEETING.** You may submit  
public comments or request a  
public meeting on this applica-  
tion. The purpose of a public  
meeting is to provide the oppor-  
tunity to submit comments or  
to ask questions about the ap-  
plication. TCEQ will hold a pub-  
lic meeting if the Executive Di-  
rector determines that there is  
a significant degree of public in-  
terest in the application or if re-  
quested by a local legislator. A  
public meeting is not a contest-  
ed case hearing.

**OPPORTUNITY FOR A CONTESTED  
CASE HEARING.** After the  
deadline for submitting public  
comments, the Executive Direc-  
tor will consider all timely com-  
ments and prepare a response  
to all relevant and material, or  
significant public comments.  
Unless the application is direct-  
ly referred for a contested case  
hearing, the response to com-  
ments, and the Executive Direc-  
tor'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 instruc-

### legals & public notices

tions for requesting reconsider-  
ation of the Executive Director's  
decision and for requesting a  
contested case hearing. A con-  
tested 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, ad-  
dress, phone number; appli-  
cant's name and proposed per-  
mit 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 facili-  
ty in a way not common to the  
general public; a list of all dis-  
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submit during the comment pe-  
riod and, the statement "[I/we]  
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ing." If the request for contest-  
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half of a group or association,  
the request must designate the  
group's representative for re-  
ceiving future correspondence;  
identify by name and physical  
address an individual member of  
the group who would be ad-  
versely affected by the pro-  
posed facility or activity; pro-  
vide the information discussed  
above regarding the affected  
member's location and distance  
from the facility or activity; ex-  
plain how and why the member  
would be affected; and explain  
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Following the close of all applica-  
ble comment and request peri-  
ods, 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 sched-  
uled Commission meeting.  
The Commission may only grant a  
request for a contested case  
hearing on issues the requestor  
submitted in their timely com-  
ments that were not subse-  
quently withdrawn. If a hearing  
is granted, the subject of a  
hearing will be limited to dis-  
puted issues of fact or mixed  
questions of fact and law relat-  
ing to relevant and material wa-  
ter quality concerns submitted  
during the comment peri-  
od.

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

**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 [http://www.w14.tceq.texas.gov/epic/eCom-  
ment/](http://www.w14.tceq.texas.gov/epic/eComment/), or in writing to the  
Texas Commission on Environ-  
mental 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 re-  
cord. For more information about  
this permit application or the  
permitting process, please call  
the TCEQ Public Education Pro-  
gram, 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 español,  
puedellamar al 1-800-687-4040.

**CALL 817.332.3333  
& Place Your Ad NOW**

### legals & public notices

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: 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 Build-  
ing, Euless, Texas 76039, no lat-  
er 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 Build-  
ing located at 201 North Ector  
Drive, Euless, Texas for the con-  
struction of Euless Reclaimed  
Waterline Extension Phase 3.

The project includes:

1) Installation of two new re-  
claimed 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 con-  
struction with inline valves, air  
release valves, connections, and  
appurtenances,  
7) Connection to 30-irrigation met-  
ers and relocation of 10 met-  
ers.  
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](http://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 down-  
load documents. If there are any  
questions concerning the specifi-  
cations, or other bid docu-  
ments or any part thereof, ques-  
tions must be submitted by No-  
vember 1, 2018 at 2:00 P.M.  
through the [www.CivCastUSA.com](http://www.CivCastUSA.com)  
Q&A portal.

An optional Pre-Bid meeting will  
be held at 2:00 P.M., Wednes-  
day, 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 propos-  
al 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 con-  
tingent upon release of funds  
from the Texas Water Develop-  
ment Board (TWDB). Any con-  
tract or contracts awarded un-  
der 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 de-  
partments, agencies, or employ-  
ees are or will be a party to this  
RFP, or any resulting contract.  
This contract is subject to the  
Environmental Protection Agen-  
cy's (EPA) Disadvantaged Busi-  
ness Enterprise (DBE) Program,  
which includes EPA-approved  
fair share goals toward procure-  
ment 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, subcon-  
tracts, and procurements to  
M/WBEs through demonstra-  
tion 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](http://www.twdb.texas.gov/DBE)

CATEGORY MBE WBE  
Construction 9.17% 19.44%

Equipment 16.28% 11.45%

**CALL 817.332.3333  
& Place Your Ad NOW**

**CALL 817.332.3333  
& Place Your Ad NOW**

**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):

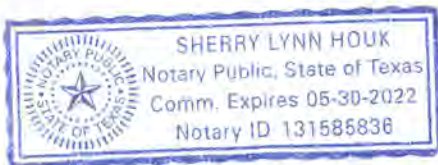
SAT Jan 26, 2019  
(date or dates, of publication in the newspaper)

[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 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 antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing 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 exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is 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&zoom=13&type=r>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. 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 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](http://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](http://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](http://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, 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 Properties, 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 Treatment Plant Sedimentation Basin Sludge Removal System Replacement - 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 supplier on this project. Plans and specifications are located at: Fort Worth web site <http://fortworthtexas.gov/tpw/contractor/s/> (scroll down to the bottom of the page and click on the project number or [www.gracon.biz](http://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" 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 the purchase of: BID #005-19, Golf Course Fertilizer and Chemicals, 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, January 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 MOTOR VEHICLES SCHEDULED TO BE AT THE NEXT ASSIGNED PUBLIC AUCTION.**

YEAR	MAKE	MODEL	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	CHEVROLET		

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](http://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](http://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](http://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 Eules, 201 North Ector Drive, Eules, 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, Eules, Texas 76039 beginning Monday, January 28th, 2019. "The City of Eules 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 Eules, 201 North Ector Drive, Eules, 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

**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," Eules 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 Eules is hereby directed to publish in the official newspaper of the City of Eules, as required by Section 12, of Article II of the Charter of the City of Eules.

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

**PRESENTED AND PASSED ON FIRST AND FINAL READING** at a regular meeting of the Eules 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](http://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 a 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

**House Sat and Sun 1-4 PM**



**2306 Kenley Street Fort Worth**  
LOCATION! LOCATION! LOCATION!  
Well maintained one bedroom and one bath large townhome.  
Hardwood floors, built-ins and so much more.  
**Luci DiGiorgio Vasquez ABR CRS 817.228.0854**

**EN SAT. JUN. 1-5**



**hout ce**

**ntices**

NTOLD405959  
M O B I L E  
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2V0059815  
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**legals & public notices**

amended, as it pertains to regulating signs within the city limits of Southlake, Texas. All interested persons are urged to attend.  
City of Southlake  
Amy Shelley, TRMC  
Deputy City Secretary

**garage sales**

**garage/yard sale**  
76107-2201 WESTERN Ave, Estate Sale Fri/Sat 9-4 Sun 10-2 Full house antique furn books & more  
76107-4723 LAFAYETTE Ave, Sat. 8AM-4PM INSIDE MOVING SALE  
76123-3629 FLEETWOOD Dr, Saturday, Sunday 8am-4PM Saturday Estate sale  
**SATURDAY 8am to 4 PM SUNDAY 12pm to 3 pm**  
76126-9728 LELAND Lane, Estate Sale  
76132-7609 RAMBLE Wood Trail, Multi family garage sale, Saturday January 26, 7:00 am -  
76135-LOVE CIRCLE, MOVING SALE Sat/Sun 8-4 Hwy199 & SurfsideDr follow signs

**merchandise**

**appliances**  
Fisher & Paykel electric Dryer, wht, Great cond. \$150. 817-454-7658  
MINI fridge, like new, wrnty, \$40 817-249-8064  
NEW GE Over the Range Microwave, wrnty \$150 817-249-8064  
REFRIGERATOR UPPER/LOWER compartments \$70. 682-667-4124  
SHARP CAROUSEL Microwave \$20. Call 817-346-1654  
Water cooler dispenser provides hot and cold. \$20 682-667-4124

**antiques**

**bargains/super savers (\$100 or less)**  
NEWSPAPER BAGS Clear \$16 case 4.5"; 5.5"; and 6.5" 972-532-7809

**building materials**

2 FT fluorescent lights \$10 817-296-3428  
REMODELING, PAINT, plumbing, elec. supplies \$10 817-504-8524  
TOOLS, TOOLBOXES & Power Wrenches \$5. 817-504-8524

**estate sales**

76015 - Estate Sale Fri 25th 9-4, Sat 26th 9-4, 27th 1-3.  
3005 KELHAM CT - Beautiful furn, art, full house, large collection of Harley Davidson, tools, compressor, pressure wash, guns, No appliances. Cash only. No early shoppers.  
76137-7029 WARM Springs Trail, Thurs, Sat. 8:30am - 2:00 pm

**medical equipment/supplies**

LIKE NEW cpap machine w/mask, hydrator \$100. 817-284-1811

**wanted to buy**

FREON R12 WANTED: R12 collecting dust? Certified professional pays CASH for R12. 312-291-9169 RefrigerantFinders.com

**misc. merchandise**

4 DRAWER metal saw cabinet. Good cond \$10 817-681-6077  
8 LOVELY crystal vases, each different. \$9/ea 817-378-4852  
Canon Printer P1XMA MX300 series, 1blk ink pck \$10. 817-275-2297  
DOOR HRDWR all gold; 23 closet, hall bath, bed lever \$50 817-737-5453

EPSON PRINTER \$25. 817-718-5666

FRONT DOOR hardware w/ deadbolt, gold \$15 817-737-5453

NEW ROUND toilet seat \$5. 817-346-1654

PINK CRAPE myrtle tree \$5. 817-718-5666

Power tools, hand tools & toolboxes \$1 817-861-5185

SNAPON TOOLS & Toolboxes \$10 817-861-5185

Valentines Day Baskets, Personalized Order Early \$10. 817-808-1955

VINTAGE LAMP with lovely silk shade, 3" long fringe \$40 817-378-4852

**animals**

**dogs**

2 MALE Liver party mini Schnauzers. 11/13/18. tails/dew claws, 2nd shots/deworm. excel. markings/personalities. \$800. Parents on site. 903-820-2815.  
AKC ENGLISH bulldog We have 4 girls and 3 boys. Call or text for more information 4057885658

AKC REGISTERED LABS - Silver/charcoal \$850, Chocolates \$750, blacks \$550. Text or call for more info. 940-366-5594/940-366-9572

CHIHUAHUA TOY BEAUTIES NO-SHED CUTIES 817-417-0693.

CHOW CHOW puppies for sale - Ckc registered two males left \$450 Clucasfamily@embarqmail.com 972-268-5638/972-268-5638, Clucasfamily@embarqmail.com

GOLDDOODLE PUPPIES - 3 females and 2 males beautiful loving puppies will be ready to go home feb 16..will make great Valentine's gift..taking deposits 350.00 \$1,000 frontiersstructures@gmail.com 918-541-0494/918-541-0494, frontiersstructures@gmail.com

Golden Retrievers AKC Reg., shots/ wormed 501-581-3898

GREAT DANES AKC Registered, blue 940-273-8995

Yorkie Pups home raised, shots, 1-T-cup girl, 3-boys. 817-572-3452 goodnewsyorkies.com

**pets lost & found**

SMALL white dog w/ collar. Berkeley area. Reward. 817-939-7078.

**farm & equipment**

**farm products/supplies**

30X40X10 Metal Bldg 1 walk door & slab \$18,000. Family owned & operated since 1972 millersmetal buildings.com 817-295-6022

**misc. farm & equipment**

**homes for sale**

▼watauga  
3/2/1 + bonus room, brick, remodeled, \$165k 972-567-7427

**homes for rent**

▼fort worth  
2/1 Fenced Home \$880 per mo. 817-692-3896 or 817-731-2621 5604 Birchman 76107 W. Side.

3-2-2 RIDGEMAR, updated, \$2100/ mo + Deposit. 817-300-2625

76105 - 16yr old Duplex 3 bd \$799 and 1 bd \$550. 817-903-5235

76116-1/1/CP, \$650. 76133-3/2/2, \$1550. 76123-3/2/2, \$1300. 817-292-4026.

76116 - Brick 3-2-2 ch/a, fenced \$1200mo 817-763-0202

HOUSES FOR RENT 76103, 76105, 76112, 76119 Houses available now www.york-properties.com

- 3,2,2 - \$1,000 dep 817-988-6008 or 850-293-3601 \$1,295

**▼grapevine**

2-2-2 BRICK, fenced, G-lake area. \$1600+1600 Dep. 817-368-6161

**▼haslet**

3BR2BA \$1300 Mo New Cpt/pnt/ appl HASLET 817-805-4124

**▼johnson county**

Burleson Senior Living/ Gated 1-1 \$875. 817-360-6919

**▼wise county**

3/2 MOBILE, refurb, new flooring, fence, \$900+900 817-368-6161

**apartments/condos for rent**

1B-1BA handicapped friendly, designed for wheelchairs, \$750/mo. 817-887-9260, 818-307-2499.

**rooms for rent**

76010 BILLS PAID! \$100 Dep \$25 app fee, eff, 1,2,& 3 bedrooms. Call817-640-1051 for availability

76180 Move In Spec 4plx remod 2-1 w/d con 960sf \$700. 972-539-6350

76112 - share kit/bath, bus line, \$425mo + dep 817-320-1459

BEDFORD ROOM for rent w/d, cable, kitchen, XL TV 817-545-3624

**farm & acreage**

19.5 AC. MENARD COUNTY. GENTLY ROLLING WIT BEAUTIFUL OAK TREE COVER. WHITETAIL, BLACKBUCK, AXIS, HOGS & TURKEY. \$3,363 DOWN, \$557/MO. SEVERAL TRACTS TO CHOOSE FROM. 800-876-9720 ranchcenterprisesitd.com

23.35 AC. WINDMILL, BORDERS LARGE RANCH NEAR ROBERT LEE AND LAKE E. V. SPENCE. MESQUITE & CEDAR COVER. WHITETAIL, HOGS, TURKEY, QUAIL & DOVE. \$3,370 DOWN, \$558/MO. 800-876-9720 ranchcenterprisesitd.com

320 ACRES, 1 hour South FTW, Bosque Cty, 817-240-4700

70 Acres just 15 minutes West of

**Drive**  
JOBS, AUTOS & CLASSIFIEDS

cars.com DFW NCDA New Car Dealers Association

**The Wall**



By Ed Wallace

Wanting to explore the family tree 30 years ago, I started talking to my maternal grandmother's family in Wisconsin, the Koe-neckes. Curiously, every relative I spoke to asked the same odd question, first rattle out of the box: "Did you know your grandmother ran away from home at 18?"

Once a person reaches adulthood, I'm not sure it's still considered running away from home. But the fact that all my family asked this is an object lesson in the history of our country. Because that grandmother was born in Reedsburg, Wisc., and never learned to speak English until she ran away to attend a two-year teacher's college in Chicago because she wanted to become part of modern America.

From there she migrated to Detroit and, for at least part of her decade in the Motor City, taught English to Ford's workers. At the

time Henry Ford was pushing his workforce to become both English speakers and American citizens, but not for any nationalistic reason. No, it was because when his factory supervisors distributed new work rules or instructions on how to operate new equipment for the moving assembly line, they had to have those directives translated into dozens of languages. Consequently, each such missive bore the same stern command at the bottom: LEARN ENGLISH.

The logic was obvious; the complexity and cost of communicating with a workforce that spoke so many different languages was keeping the moving assembly line from achieving its potential. So Henry Ford created a company sociological department to teach his workers English and how to budget their new-found incomes, as well as other issues he felt were critical to bringing unskilled laborers into relative middle-class wealth. But while Ford's first intentions were admirable, that department would evolve into a spy operation; its mission ensured compliance with

Ford's vision of an ideal workforce and family life, and they later dissuaded, often by force, any unionization of his workers.

Fast forward to the early Nineties, when General Motors' Silao, Mexico, factory opened and started turning out Suburbans and Tahoes. And numerous stories were published about how the new automotive workforce south of the border was paid so little that many often found it impossible to both afford local rents and provide their families' other necessities. And soon a local Chevrolet dealership showed me a DCS message from GM; it requested that local dealers inspect any SUVs from Mexico on arrival, looking for any evidence that some vehicles as their personal living quarters prior to shipment. The dealer said local GM zone personnel suggested the workforce at Silao left their shifts and simply turned on the AC in the Suburbans, then used them as their living quarters for the night.

I've related this story before, here and on air, but recently the former GM supervisor at Silao, now

**MY GREAT GRANDFATHER, GEORGE C. LAIRD, BORN IN BRAMPTON, ONTARIO, SIMPLY WALKED ACROSS THE BORDER INTO MICHIGAN IN 1867 AND STUDIED LAW —EVENTUALLY BECOMING THE POLICE COURT JUDGE IN SAGINAW. FOR THE RECORD, THAT MAKES ME THE GREAT GRANDSON OF AN ILLEGAL IMMIGRANT.**

retired and living in Aledo, wrote and said that it never happened. I pointed out that I had personally read that DCS message from GM, to which he replied that no plant worker used those vehicles. The DCS message, he believed, was more likely suggesting that others were using these same vehicles once they were loaded onto railcars — riding inside of them across the border into the U.S.

I have no reason to doubt this gentleman's story, his facts, or his sincerity in telling it. A few years ago, in fact, numerous individuals published books on the Latin American rail line known as The Beast. In 2013, for example, Oscar Martinez wrote that up to 250,000 would-be immigrants head north each year; fearing not our border patrol, but the cartels along the way. There's at least two problems with building a longer border wall. First, they still make ladders in Mexico. Second, you can't build a wall

**Look Inside**

On The Road pg 2D  
Car Talk pg 2D  
Auto Directory pg 2D

across the tracks and end rail traffic between the U.S. and Mexico. Our economies depend on that movement of goods. American history is full of contradictory stories. My grandmother and many others were doing their best to educate and create solid American citizens out of the wave of immigrants that came here in the late nineteenth century. We forget it was that wave of immigrants who built our railroads and made Detroit the automotive capital of the world.

Yet shortly thereafter we reversed course again and passed strict immigration reform. In fact, according to research published in the book, Mexican Repatriation in the 1930s, in early 1931 we actually rounded up and deported somewhere around 1.8 million Hispanics. In 2006 California officially apologized for the Great Depression deportations of citizens; seven years later, the state passed a law making the teaching

of that hidden bit of American history mandatory in all public schools.

Many American manufacturers took their factories south, including auto parts and auto assembly plants, not only to save in labor costs but also to industrialize parts of Mexico; this provided good employment there, helping to stanch the migrant flow north.

If one looks at the raw numbers, it might have had at least some effect.

And in this country our auto industry was built largely on the backs of immigrant laborers and their kids; before that they built our rail lines, which brought our country together in the last half of the nineteenth century and kickstarted our modern economy.

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

**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

[Signature]  
*(newspaper representative's signature)*

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

(Seal)

[Signature]  
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

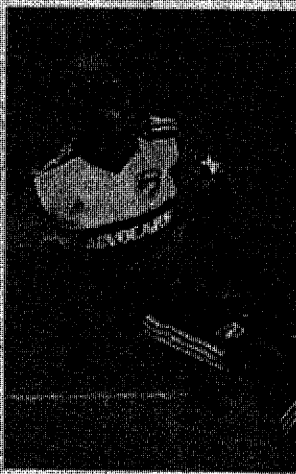
conocer para lo que estamos preparados, va a ser un partido primordial, Kansas siempre ha estado allí, pero lo que hacen los partidos son los goles así que poner en el campo lo que mejoramos en las prácticas, como tratar de pasársela al compañero que está mejor ubicado para hacer el gol", dijo Michael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

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### 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://mycocareer.silkroad.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 DEL AGUA PERMISO PROPUESTO NO. WQ000015722001**

**SOLICITUD:** SigmaPro Properties, LLC, 13241 Harmon Road, Fort Worth, Texas 76177ha 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 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 Worth en 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 aviso es 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/48610/index.html?file=32,941388&line=27,329888&zoom=13&type=r>

**AVISO ADICIONAL:** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es admisible y a medida que 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 enviado 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 las

#### legals & public notices

Las cuestiones de hecho en disputa que usted presenta durante el período de comentarios; y la declaración "[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 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; 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 o más de las listas de correo permanentes (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 designadas, envíe un correo electrónico 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 vía <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficina de la Secretaria (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 1-800-687-4040. Si desea información en Español, que llame al 1-800-687-4040. 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 para el Distrito de Tarrant, DOT Fort Worth NCTCOG y 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 o antes del 14 de noviembre de 2018). Los comentarios no escritos no presentados en la audiencia deben enviarse por correo a: TxDOT Fort Worth District, 2501 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) 370-6744. 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 aviación o transporte que puedan afectar el uso de la bicicleta pueden comunicarse con Phil Hays, P.E. en (817) 370-6591. Para ser agregado a la lista de correo de ciclistas interesados en las actividades de bicicletas, envíe una solicitud a Phil Hays, P.E. por teléfono al (817) 370-6591 o por correo electrónico a [Phillip.Hays@txdot.gov](mailto:Phillip.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 bicicletas.

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

#### REQUEST FOR PROPOSALS

Electronic Console Cleaning Services  
RFP # 2019-004

The North Central Texas Council of Governments (NCTCOG) and SHARE Purchasing Cooperative seeks an experienced firm to provide electronic communications consoles cleaning services. Proposal instructions are available by emailing [cooper@nctcog.org](mailto:cooper@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 Part 1 - Texas/Oklahoma Passenger Rail Study (TOPRS) Final Environmental Impact Statement (EIS). While this document did evaluate conventional, high-speed, and high-speed passen-

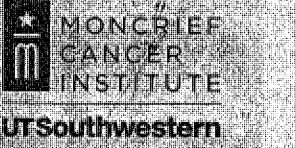
## TODOS LUCHAMOS CONTRA EL CÁNCER

### 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 (CPRI)



UTSouthwestern

[MONCRIEF.COM/COLONSCREENING](http://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 por 13241 Harmon Road, Fort Worth en el Condado de Tarrant, Texas. La ruta de descarga es el sitio de la planta en un named tributary: thence to Buffalo Creek, thence to Henrieville 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 Haslet Public Library, 100 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/hb610/index.html?file=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 enviado a los que están en la lista de correo de las personas a quienes 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 da 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 lo solicita. 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 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 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 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, 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 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 de correo, envíe por correo a la Oficina del Secretario Principal de la TCEQ.

**CONTACTOS DE INFORMACIÓN A LA AGENCIA:** Todos los comentarios públicos y solicitudes deben ser presentados electrónicamente a <http://www.tceq.texas.gov/epic/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 del proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, llame al 1-800-687-4040.

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

**DEPARTAMENTO DE TRANSPORTES 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, §25.35, el Departamento de Transportes de Texas (TxDOT), Distrito de Fort Worth, se está asociando con el Consejo de Gobierno del Norte Central de Texas (NCTCOG) para ofrecer una audiencia pública sobre proyectos de transporte del distrito, programas 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 las 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. Los comentarios por escrito no presentados en la audiencia deben enviarse por correo a TxDOT North Worth District a 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 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 todas las ayudas razonables para satisfacer estas necesidades.

Las personas que tengan preguntas o inquietudes generales con respecto a los proyectos o programas de la audiencia de transporte que puedan afectar el uso de la bicicleta pueden comunicarse con Phil Hays, P.E. en el (817) 370-6597. Para ser agregado a la lista de correo de ciclistas interesados, organizaciones de bicicletas o miembros de la lista, envíe una solicitud a Phil Hays, P.E. por teléfono al (817) 370-6597 o por correo electrónico a [Phil.Hays@dot.texas.gov](mailto:Phil.Hays@dot.texas.gov). Todos los individuos y grupos que solicitan 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-txdot/get-involved/about/hearings-meetings/dallas/102918.html>

**REQUEST FOR PROPOSALS:** Electronic Console Cleaning Services. RFP # 2019-004. 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, high-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 of 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 Felch, 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](http://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 CANCER DEL COLON GRATUITO, DEBES:

- Tener entre 50 y 74 años de edad
- Tener no historial de cáncer colorectal o de fugias 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)



UT Southwestern

[MONCRIEF.COM/COLONSCREENING](http://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



[www.Origin.bank/BuyAHome.TX](http://www.Origin.bank/BuyAHome.TX)

Origin Bank NMLS# 455990

MEMBER FDIC



**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, 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 La Estrella ; that this newspaper is generally  
(name of newspaper)

circulated in Tarrant County, Texas and is published primarily in  
(same county as proposed facility)

Spanish language; the attached notice was published in  
(alternative language)

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.

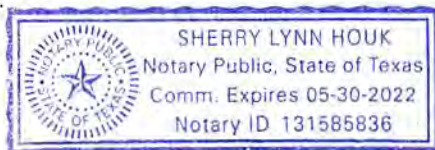
Sherry Lynn Houk

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

(Seal)



Esta invitado!

# CIÓN 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

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

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

Y  
AVISO DE LA SOLICITUD Y DECISIÓN PRELIMINAR PARA EL  
PERMISO DEL SISTEMA DE ELIMINACION 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 or por el internet a [www.tceq.texas.gov/about/comments.html](http://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](http://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

gusta mucho. Ahora empe- LA ESTRELLA

# 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



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

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 él 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](http://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**

**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 / REUNION 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 parrafo de Informacion 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 pagina [www.tceq.state.texas.gov/goto/cid](http://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 numero 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 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>

#### 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 parrafo 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/](http://www14.tceq.texas.gov/epic/eComment/) cualquier información de contacto que proporcione, incluyendo su nombre, numero 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.

Mas información puede ser obtenida de Bell Helicopter Textron Inc. en la dirección en el primer parrafo o llamando a Mr. Sam Sutton al 817-208-1254. 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

**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

**¡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 ELIMINACION 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 PÚBLICO / REUNION 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 todo 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. § BEFORE THE TEXAS COMMISSION  
TO REVOKE TEXAS POLLUTION §  
DISCHARGE ELIMINATION § ON  
SYSTEM ("TPDES") PERMIT §  
NO. WQ0015722001 § 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.

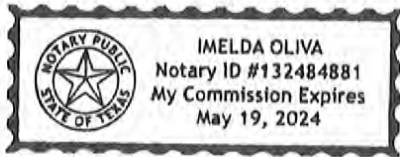
Further Affiant Sayeth Not.

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.



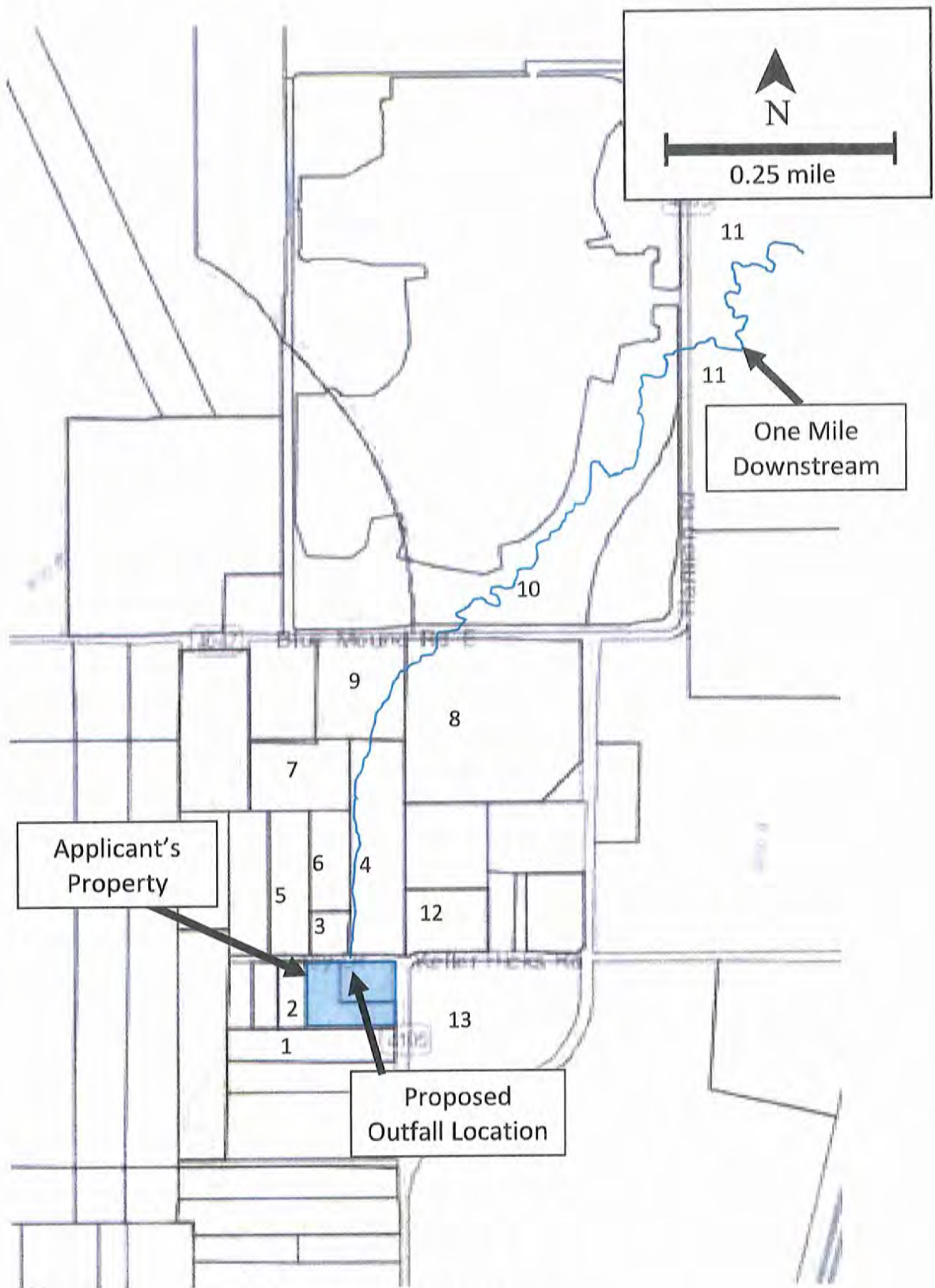
Notary Seal



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

**Exhibit "B"**

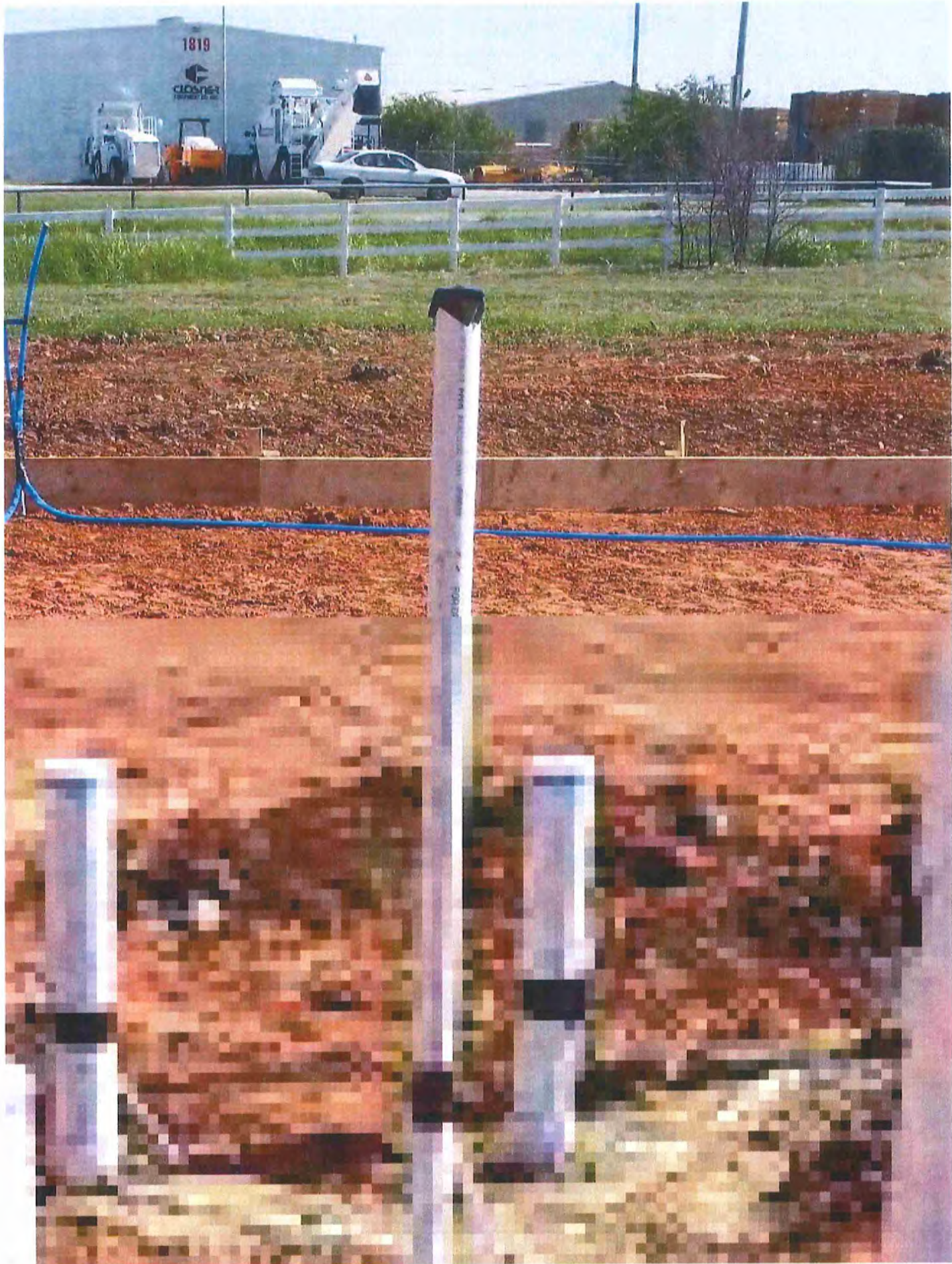
**Photograph by Robert Berman Depicting SigmaPro Property  
and Closner Equipment Signage in July 2016**





**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 Lacey 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 Lacey 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 Lacey 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

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---

**From:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto:hsimpson@Simpsonlaw.org)>  
**Sent:** Wednesday, July 8, 2020 4:13 PM  
**To:** Allen, Vivian  
**Subject:** RE: 1817 Lacey 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](mailto:hsimpson@simpsonlaw.org)

---

**From:** Allen, Vivian <[vivian@sigmaproeng.com](mailto:vivian@sigmaproeng.com)>  
**Sent:** Wednesday, July 8, 2020 3:55 PM  
**To:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto:hsimpson@Simpsonlaw.org)>  
**Subject:** RE: 1817 Lacey 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](mailto:hsimpson@Simpsonlaw.org)>  
**Sent:** Thursday, April 8, 2021 4:26 PM  
**To:** Mabel Simpson; Brad Greer ([brad@bgaainc.com](mailto: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](mailto:hsimpson@Simpsonlaw.org)>  
**Sent:** Thursday, April 8, 2021 4:02 PM  
**To:** [apokhrel@tarrantcounty.com](mailto:apokhrel@tarrantcounty.com)  
**Cc:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto: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](mailto:hsimpson@Simpsonlaw.org)>

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

**To:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto: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](http://www.premierpavingltd.com)

[kurt.hinds@sbcglobal.net](mailto:kurt.hinds@sbcglobal.net)

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

---

**From:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto:hsimpson@Simpsonlaw.org)>

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

**To:** Kurt Hinds <[kurt.hinds@sbcglobal.net](mailto: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](mailto:kurt.hinds@sbcglobal.net)>

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

**To:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto: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](http://www.premierpavingltd.com)  
[kurt.hinds@sbcglobal.net](mailto:kurt.hinds@sbcglobal.net)

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

---

**From:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto:hsimpson@Simpsonlaw.org)>

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

**To:** Kurt Hinds <[kurt.hinds@sbcglobal.net](mailto: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](mailto:kurt.hinds@sbcglobal.net)>

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

**To:** Hugh Simpson <[hsimpson@Simpsonlaw.org](mailto: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](http://www.premierpavingltd.com)  
[khinds@premierpavingltd.com](mailto:khinds@premierpavingltd.com)

On Friday, August 14, 2020, 02:44:26 PM CDT, Hugh Simpson <[hsimpson@simpsonlaw.org](mailto: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](http://www.simpsonlaw.org)

[hsimpson@simpsonlaw.org](mailto:hsimpson@simpsonlaw.org)



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#### INTERNAL REVENUE SERVICE CIRCULAR 230 DISCLOSURE

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**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 nosquito 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

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---

**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@elitepipingcivil.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

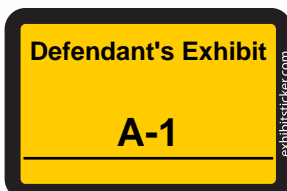
To Ms. Simpson:

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](mailto: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

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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)<sup>1</sup>

<sup>1</sup> 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.

- |                  |  |
|------------------|--|
| <b>Exhibit 1</b> | Emails among counsel regarding the temporary injunction and this Motion      |
| <b>Exhibit 2</b> | 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](mailto:dspeed@canteyhanger.com)

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

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

**To:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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](mailto:roland@bondsellis.com) | [My Profile](#) | [vCard](#)

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**From:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

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

**To:** Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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](mailto:dspeed@canteyhanger.com)

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

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

**To:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

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

**Subject:** RE: [EXTERNAL] Current photo

Here you go, Tim.

**From:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>

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

**To:** Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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](http://www.canteyhanger.com)

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

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

**To:** Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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](mailto:roland@bondsellis.com) | [My Profile](#) | [vCard](#)

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**From:** Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>  
**Sent:** Wednesday, August 4, 2021 3:34 PM  
**To:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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 ad 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](mailto:tkahler@munckwilson.com)  
w. [munckwilson.com](http://munckwilson.com)  
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**From:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>

**Sent:** Wednesday, August 4, 2021 2:47 PM

**To:** Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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**  
**CANTHEY HANGER LLP**  
600 West 6th Street, Suite 300  
Fort Worth, Texas 76102  
817.877.2804 - Direct Phone  
817.877.2807 - Fax

[www.canteyhanger.com](http://www.canteyhanger.com)

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**From:** Tim Davis  
**Sent:** Wednesday, August 4, 2021 2:38 PM  
**To:** Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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](http://www.canteyhanger.com)

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**From:** Tiffany Kahler [<mailto:tkahler@munckwilson.com>]  
**Sent:** Wednesday, August 4, 2021 2:30 PM  
**To:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto: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](mailto:tkahler@munckwilson.com)  
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**From:** Tiffany Kahler  
**Sent:** Wednesday, August 4, 2021 2:04 PM  
**To:** 'David Speed' <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto: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](mailto:tkahler@munckwilson.com)  
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**From:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Sent:** Monday, August 2, 2021 2:40 PM  
**To:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto: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](mailto:dspeed@canteyhanger.com)

---

**From:** Tim Davis

**Sent:** Thursday, July 29, 2021 1:54 PM

**To:** Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto: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  
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**From:** Melanie K. Okon [<mailto:mokon@munckwilson.com>]

**Sent:** Thursday, July 29, 2021 1:17 PM

**To:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto: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](mailto: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>  
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<image003.jpg>

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telephone at 972.628.3600 so that we may correct our records.

**From:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>  
**Sent:** Friday, July 23, 2021 4:47 PM  
**To:** Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>; [roland@bondsellis.com](mailto:roland@bondsellis.com);  
[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)  
**Cc:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>; Catherine Hitt  
<[chitt@canteyhanger.com](mailto: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

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**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](mailto:tkahler@munckwilson.com)  
w. [munckwilson.com](http://munckwilson.com)  
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**From:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>

**Sent:** Wednesday, August 4, 2021 2:47 PM

**To:** Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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**  
**CANTHEY HANGER LLP**  
600 West 6th Street, Suite 300  
Fort Worth, Texas 76102  
817.877.2804 - Direct Phone  
817.877.2807 - Fax

[www.canteyhanger.com](http://www.canteyhanger.com)

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**From:** Tim Davis

**Sent:** Wednesday, August 4, 2021 2:38 PM

**To:** Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto: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](http://www.canteyhanger.com)

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**From:** Tiffany Kahler [<mailto:tkahler@munckwilson.com>]

**Sent:** Wednesday, August 4, 2021 2:30 PM

**To:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto: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](mailto:tkahler@munckwilson.com)  
w. [munckwilson.com](http://munckwilson.com)  
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**From:** Tiffany Kahler  
**Sent:** Wednesday, August 4, 2021 2:04 PM  
**To:** 'David Speed' <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto:roland@bondsellis.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>; Tim Davis <[tdavis@canteyhanger.com](mailto: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  
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**From:** David Speed <[dspeed@canteyhanger.com](mailto:dspeed@canteyhanger.com)>  
**Sent:** Monday, August 2, 2021 2:40 PM  
**To:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>; Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>  
**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto:tkahler@munckwilson.com)>; Patrick Sheridan <[patrick.sheridan@bondsellis.com](mailto:patrick.sheridan@bondsellis.com)>; Roland Schafer <[roland@bondsellis.com](mailto: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](mailto:dspeed@canteyhanger.com)

**From:** Tim Davis

**Sent:** Thursday, July 29, 2021 1:54 PM

**To:** Melanie K. Okon <[mokon@munckwilson.com](mailto:mokon@munckwilson.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto: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

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**From:** Melanie K. Okon [<mailto:mokon@munckwilson.com>]

**Sent:** Thursday, July 29, 2021 1:17 PM

**To:** Tim Davis <[tdavis@canteyhanger.com](mailto:tdavis@canteyhanger.com)>

**Cc:** Teresa Biederman <[tbiederman@munckwilson.com](mailto:tbiederman@munckwilson.com)>; Sheryl Haywood <[shaywood@munckwilson.com](mailto:shaywood@munckwilson.com)>; Tiffany Kahler <[tkahler@munckwilson.com](mailto: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, TEXAS

ORDER 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 26<sup>th</sup> 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**

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.



A handwritten signature in black ink, appearing to be "S.W." or similar initials.

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**

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.



A handwritten signature in black ink, appearing to be "S.W." or similar initials.

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 off. OK?



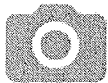
Today 1:12 PM

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

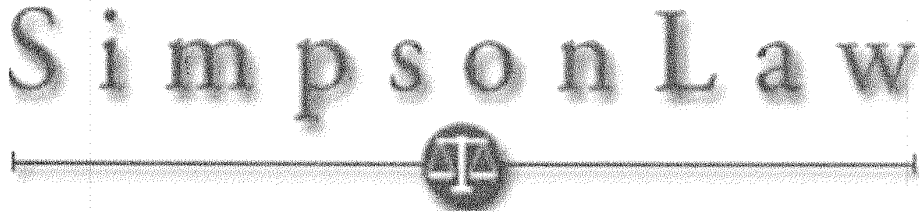
Law Ph: 972.783.6384

Title Ph: 972.783.0079

Fax: 972.783.2573

[www.simpsonlaw.org](http://www.simpsonlaw.org)

[hsimpson@simpsonlaw.org](mailto:hsimpson@simpsonlaw.org)



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### 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):** WWC MPL - 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**

<u>Checklist Name</u>	<u>Unit Name</u>
WQ COMPLAINT INVESTIGATION	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.



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, NH<sub>3</sub>N, 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 Jim Hall  
Environmental Investigator

Date 11-10-20

Signed [Signature]  
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

TCEQ Docket No. 2022-0531-MWD

PETITION BY 1817 LACEY, Ltd. to	§	BEFORE THE TEXAS
REVOKE TPDES PERMIT NO.	§	COMMISSION
WQ0015722001 HELD BY	§	ON
SIGMAPRO PROPERTIES, LLC	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR’S RESPONSE TO PETITION TO REVOKE

The Executive Director (ED) of the Texas Commission on Environmental Quality (**Commission** or TCEQ) files this Response to the Petition filed under Title 30 of the Texas Administrative Code (**30 TAC**), section (**§**) 305.66. on April 21, 2022, by 1817 Lacey, Ltd. (**Petitioner**) to revoke SigmaPro Properties, LLC’s (**SigmaPro**) Texas Pollutant Discharge Elimination System (**TPDES**) permit, No. WQ0015722001 (**the Permit**), which authorizes the SigmaPro Wastewater Treatment Facility (**SigmaPro facility**). This matter is not currently set for Commission hearing.

I. FACILITY DESCRIPTION

The SigmaPro facility is located at 13241 Harmon Road, in Tarrant County, Texas 76177, and is an activated sludge process package plant operated in the extended aeration mode. Treatment units include an aeration basin, a final clarifier, a sludge holding tank, and a chlorine contact chamber. The SigmaPro facility serves domestic sources for SigmaPro Properties, a commercial site. The Permit (No. WQ0015722001) authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 9,500 gallons per day (GPD) with the treated wastewater discharged to an unnamed tributary; then to Buffalo Creek; then to Henrietta Creek; then to Elizabeth Creek; then to Denton Creek; then 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. The effluent limitations in the Permit will maintain and protect the existing instream uses. In accordance with 30 TAC § 307.5 and the TCEQ’s *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) (**Ips, TSWQS**) an antidegradation review of the receiving waters was performed. The Tier 1 antidegradation review preliminarily determined that existing water quality uses will not be impaired by the discharge,

numerical and narrative criteria to protect existing uses would be maintained and protected, that no water bodies with exceptional, high, or intermediate aquatic life uses were present within the stream reach assessed, and a Tier 2 antidegradation review was not required. However, significant degradation of water quality is not expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream.

Effluent limits in the Permit for the conventional effluent parameters (e.g., 5-day Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand (**BOD<sub>5</sub>**, **CBOD<sub>5</sub>**) and Ammonia Nitrogen (**NH<sub>3</sub>-N**)) are based on stream standards and waste load allocations for water-quality limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (**WQMP**). Additionally, the effluent limits were reviewed for consistency with the WQMP, and while the limits, including the limits for Total Suspended Solids (**TSS**) and Dissolved Oxygen (**DO**), are not contained in the approved WQMP, the limits will be included in the next WQMP update.

The effluent limits, based on a 30-day average, are 10 mg/l CBOD<sub>5</sub>, 15 mg/l TSS, 3.0 mg/l NH<sub>3</sub>-N, 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml and 4.0 mg/l minimum DO. The effluent must contain a chlorine residual of at least 1.0 mg/l and must not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow. These effluent limits and other permit conditions comply with the TSWQS (30 TAC §§ 307.1-10, *eff.* 7/22/2010) and the EPA-approved portions of the 2014 TSWQS (*eff.* 3/6/2014). Finally, the effluent limits meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

The SigmaPro discharge is not expected to influence any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. That determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make that determination for TPDES permits, TCEQ and EPA considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The Permit did not require EPA review with respect to the presence of endangered or threatened species.

The Permit includes Sludge Provisions according to the requirements of 30 TAC

Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility may be disposed of at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility, but will be hauled by a registered transporter to the City of Maypearl Wastewater Treatment Facility, permit No. WQ0010431001, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge.

Lastly, the Permit includes a requirement for SigmaPro to provide nuisance odor prevention plan for the treatment facility according to 30 TAC § 309.13(e)(2), which SigmaPro submitted on August 30, 2018.

## II. PROCEDURAL BACKGROUND

The TCEQ received SigmaPro's application on August 30, 2018, and declared it administratively complete on October 8, 2018. SigmaPro published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in English in the *Ft. Worth Star Telegram* and in Spanish in *La Estrella* on October 20, 2018. On November 29, 2018, the ED completed the technical review of the application and prepared the Permit establishing the conditions under which the SigmaPro facility must operate. SigmaPro published a Combined NORI and Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) in English on January 26, 2019, in the *Ft. Worth Star Telegram*, and in Spanish on February 9, 2019, in *La Estrella*, to add to the description of the discharge route in the original NORI by including Elizabeth Creek. Once the NORI was published, SigmaPro placed the application at the Haslet Public Library in Haslet, Texas for viewing and copying. The ED's preliminary decision, and the Permit were available for viewing and copying at the library, as well. The public comment period closed on March 11, 2019, and the ED signed the Permit on March 21, 2019. The filing date for a Motion to Overturn the ED's decision to issue the permit, was April 22, 2019. SigmaPro's application was received after September 1, 2015, and declared administratively complete after September 1, 1999, thus it is subject to the procedural requirements and rules adopted pursuant to HB 801,<sup>1</sup> and SB 709,<sup>2</sup> implemented by the TCEQ in its rules in 30 TAC Chapters 39, 50, and 55.

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<sup>1</sup> House Bill 801, 76th Legislature, 1999.

<sup>2</sup> Senate Bill 709, 84<sup>th</sup> Legislature, 2015.

### III. LEGAL AUTHORITY

#### (A) **SigmaPro Facility**

As part of the permit application for discharging wastewater from the SigmaPro facility, SigmaPro was required to identify the property boundaries of landowners surrounding SigmaPro's property, the property boundaries of the SigmaPro facility, as well as the property boundaries of all landowners adjacent to the discharge route for at least on stream-mile.<sup>3</sup>

#### (B) **Mailed Notice**

As part of the permit application process at the TCEQ, the Office of the Chief Clerk (**the OCC**) is required to mail notice to "landowners named on the application map or supplemental map, or the sheet attached to the application map or supplemental map."<sup>4</sup> The OCC must mail notice to "the landowners named on the application map . . . or the sheet attached to the application map."<sup>5</sup> For a municipal TPDES permit application, this information is submitted as part of Domestic Administrative Report 1.1. The information must include the adjacent landowners' names and addresses "as can be determined from the current county tax rolls or other reliable sources."<sup>6</sup>

#### (C) **Petition to revoke**

"A person affected by the issuance of a permit or other order of the Commission may initiate proceedings for the revocation or suspension by forwarding a petition to the [ED] to be filed with the Commission."<sup>7</sup> A TPDES permit is not a vested right and can be revoked for good cause after the Commission provides an opportunity for a public hearing.<sup>8</sup> Therefore, the options for the Commission are to deny a petition or to refer the matter to the State Office of Administrative Hearings (**SOAH**) to develop findings of fact and conclusions of law on the matter for Commission deliberation and decision. Good cause for suspension or revocation includes: "the permittee's failure in the

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<sup>3</sup> TCEQ Domestic Wastewater Permit Application, Domestic Administrative Report 1.1 Section 1. (June 1, 2017).

<sup>4</sup> 30 TEX. ADMIN. CODE § 39.413(1) (West 2022).

<sup>5</sup> *Id.*

<sup>6</sup> 30 TEX. ADMIN. CODE § 305.48(a)(2) (West 2022).

<sup>7</sup> *Id.* § 305.66(d).

<sup>8</sup> TEX. WATER CODE ANN. § 7.302(b)(5) (West 2022); 30 TEX. ADMIN. CODE § 305.66(a) (West 2022).

application or hearing process to disclose fully all relevant facts, or the permittee's misrepresentation of relevant facts at any time."<sup>9</sup> This is the "significant" violation cited by Petitioner in its Petition to Revoke.

Under the TCEQ rules for petitions to revoke, 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."<sup>10</sup> However, before doing so, the Commission must find that the violation is significant and the permittee "has not made a substantial attempt to correct" the violation.<sup>11</sup> In HB 801 permitting actions, when an application is pending before the Commission, the burden of persuasion or proof always falls on an applicant. In all other instances, the burden of proof is on the moving party by a preponderance of the evidence.<sup>12</sup> See 30 TAC § 80.17(a). Accordingly, the burden of proof in this case is on the Petitioner because they are the moving party. A petition to suspend or revoke does not arise during the pendency of an application before the Commission, but rather comes after the issuance of the permit is final. Additionally, the ED is not the petitioner in this case; rather, the petition originates from persons who allege they are affected.

#### IV. ANALYSIS OF THE PETITION TO REVOKE

##### (A) Petitioner's Allegations

Petitioner states they are the owner of 1817 Lacy Drive, the property immediately adjacent to the wastewater discharge point authorized by the Permit, since 2005, and that the discharge, directly and negatively, affects Petitioner's property.

Petitioner alleges that SigmaPro misrepresented facts on the landowner map and the affected landowner information sheet attached to the landowner map, that was submitted with the Permit's application. Specifically, Petitioner alleges that SigmaPro falsely identified a different entity as the owner of 1817 Lacy Drive.

Petitioner alleges that because of SigmaPro's alleged misrepresentation related

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<sup>9</sup> *Id.* § 305.66(a)(4).

<sup>10</sup> *Id.* § 305.66(f)(3).

<sup>11</sup> *Id.* § 305.66(g)(1).

<sup>12</sup> 30 TEX. ADMIN. CODE § 80.17(a). (West 2022).



to the inaccurate Adjacent Landowner Map and List submitted with the Permit's application, Petitioner would have been considered an adjacent landowner and entitled to receive mailed notice of public notices issued by the OCC for the application. However, Petitioner states that the OCC never mailed the notices Petitioner was entitled to, and the notices would have afforded an opportunity to comment and request a hearing on the Permit's application.

As proof of its claims, Petitioner cites the affidavit of Mabel Simpson, President of the General Partner of 1817 Lacey, Ltd., that Petitioner did not receive any notice of the Permit's application.<sup>13</sup> Further, Petitioner cites to the affidavit of Mabel Simpson for proof that Petitioner would have vigorously opposed the Permit's application, had Petitioner received proper notice of the Permit's application.

To summarize, Petitioner alleges that SigmaPro manipulated the adjacent landowner map, and thus misrepresented relevant facts or failed to disclose fully all relevant facts regarding adjacent landowners to the Chief Clerk and to the ED. As proof for these allegations, Petitioner points out that 1817 Lacey Drive was marked as "4" on the Adjacent Landowners' Map, but the Adjacent Landowners' List falsely states that "Closner Equipment Co Inc" is the owner of property "4" on the Adjacent Landowners' Map.<sup>14</sup>

Further Petitioner alleges that SigmaPro made a material misrepresentation in Attachment C to the Permit's application because Petitioner, not Closner Equipment Co. Inc, was the owner of property "4" at the time the Permit's application was filed and remains the owner today. Critically, SigmaPro's misrepresentation resulted in a lack of notice to Petitioner related to the public notices issued by the OCC for the Permit's application. Petitioner states that nowhere on the Landowner Map or the accompanying Affected Landowner Information sheet, or anywhere else in the Permit's application, is Petitioner's name or mailing address provided as an affected landowner, as it should have been. Furthermore, Petitioner highlights that even the mailing labels included by SigmaPro in the Permit's application for the mailed notice from the OCC to adjacent landowners required by TCEQ rules also falsely lists Closner Equipment as an adjacent landowner and completely fails to include 1817 Lacey, Ltd. as an adjacent

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<sup>13</sup> Petitioner's Exhibit D, Affidavit of Mabel Simpson.

<sup>14</sup> Petitioner's Exhibit A at p.55.

landowner to whom notice of the Permit's application should be mailed.<sup>15</sup> In addition, on Attachment E to the Permit's application, the Buffer Zone Map, Petitioner alleges that SigmaPro again misrepresented Closner Equipment Co. Inc. as the owner of 1817 Lacy Drive.<sup>16</sup>

Petitioner alleges that SigmaPro's complete failure to correctly identify in the Permit's application the owner of an adjoining tract, across which the requested discharge would flow, constitutes a clear basis upon which to apply 30 TAC § 305.66, and convene a public hearing and find good cause to revoke the Permit, which was obtained without providing notice to an affected-adjacent landowner. Similarly, Petitioner notes that 30 TAC § 305.66(d) provides that a person affected by the issuance of a TCEQ permit may initiate proceedings for revocation or suspension by forwarding a petition to the ED to be filed with the Commission. Petitioner also notes that 30 TAC § 305.66(e) provides that an affected person must serve notice of the intention and a copy of the petition to be filed on the permittee by, *inter alia*, certified mail, sent to the permittee's last address of record with the Commission, at least 15 days before the Petition for Revocation is submitted to the ED or filed with the Commission for further proceedings. In support, Petitioner points to the affidavit of Casey A. Bell, which Petitioner states shows that Petitioner fulfilled this requirement by mailing to SigmaPro's last address of record with the TCEQ via certified mail a copy of this petition and notice of Petitioner's intention to file the same.<sup>17</sup>

Finally, Petitioner alleges that SigmaPro has not made any attempt to correct the violation, which was brought to its attention by letter sent in August 2020; and despite having knowledge that it provided false information in the Permit application's Adjacent Landowner Map and List, related to property immediately adjacent to the discharge point, SigmaPro has rested upon the issuance of the Permit by the TCEQ to continue its discharge, in blatant disregard of the applicable rules. To bolster its allegation, Petitioner references 30 § TAC 305.66(g) that provides that revocation of a permit must be predicated on a finding that the violation at issue is "significant," and that the permit holder or applicant has not made a substantial attempt to correct the violation. Petitioner alludes to TCEQ's adoption of rules that require mailed notice of a NORI and NAPD to adjacent landowners identified in the permit application signifies a

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<sup>15</sup> *Id.* at pp. 97-98.

<sup>16</sup> *Id.* at p. 62.

<sup>17</sup> Petitioner's Exhibit E, Affidavit of Casey A. Bell.

fundamental policy choice by the TCEQ that a TPDES permit should not be granted in the absence of such notice.<sup>18</sup> Further, Petitioner argues that SigmaPro's alleged misrepresentation of relevant facts during the application process related to the Adjacent Landowners' Map and List, constitutes a misrepresentation of relevant facts at any time, and qualifies as significant violation of the TCEQ Public Notice Rules.

### **(B) Affected Person Status**

The TCEQ rules, at 30 TAC § 305.66(d), do not define "person affected" in the context of a petition to revoke. However, by analogy, 30 TAC § 55.203, which the ED has looked to in past revocation cases, defines "affected person as one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application."<sup>19</sup> The Commission does not typically equate an "affected person" with a person entitled to mailed notice under the rules. The ED, through the permit application and instructions, directs wastewater permit applicants to submit the names of owners or property immediately adjacent to the area proposed to be permitted. The OCC keeps on file a mailing list of these adjacent landowners.<sup>20</sup> These individuals receive mailed notice from the Office of the Chief Clerk; however, a person need not show that they are entitled to receive mailed notice in order to show that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application or permit. Combining this information with 30 TAC § 305.66(d), an affected person in a petition to revoke case would be someone with a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an issued permit. The interest cannot be common to members of the public.<sup>21</sup> Section 55.203(c) lists several examples of factors for the Commission to consider when determining if someone meets the affected person definition. They include considering the likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person, and on use of the impacted natural resource by the person<sup>22</sup>

A review of the TCEQ's records for the Permit and its application reveals that the mailing list and mailing labels for both the NORI and NAPD do not identify

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<sup>18</sup> 30 TAC §§ 39.551(b)(1), (c)(2); 30 TAC § 39.418(b)(2); 30 TAC § 39.413(1) (West 2022).

<sup>19</sup> 30 TEX. ADMIN. CODE § 55.203(a). (West 2022).

<sup>20</sup> 30 TEX. ADMIN. CODE § 39.407 (West 2022).

<sup>21</sup> *Id.* § 55.203(a).

<sup>22</sup> *Id.* § 55.203(c)(4)-(5).

Petitioner as the owner of 1817 Lacy Drive, otherwise known as property "4" on the Adjacent Landowners Map and List. Likewise, a review of the online records from the Tarrant County Appraisal District (TCAD) provided by Petitioner, identifies Petitioner as the owner of 1817 Lacy Drive.<sup>23</sup> Given that it appears that Petitioner is the actual owner of 1817 Lacy Drive, otherwise known as property "4" on the Adjacent Landowners Map and List, it is likely that Petitioner should have been included on the Adjacent Landowner List and Map for the Permit's application. Additionally, had Petitioner been afforded mailed notice of the NORI and NAPD for the Permit's application, Petitioner would have had an opportunity to submit comments on the application and request a contested case hearing to ensure that its interests were protected.

Therefore, ED finds that Petitioner is an adjacent landowner, possibly affected by the Permit's application, and should have been provided notice of the Permit's application.

## V. RECOMMENDATIONS

Because SigmaPro identified Closner Equipment Co., and not Petitioner, as the adjacent landowner of property "4;" it appears from TCAD records that Petitioner is the owner of 1817 Lacy Dr. (otherwise known as property "4"); the ED found Petitioner to be an adjacent landowner, possibly affected by the Permit's application and likely entitled to notice of the Permit's application; the ED recommends the Commission refer the Petition to SOAH for a hearing on the issues raised in the Petition based on the allegation that SigmaPro made a material misrepresentation during the permitting process by failing to identify the Petitioner as an adjacent landowner in the Permit's application for a new TPDES permit submitted on August 30, 2018.

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<sup>23</sup> Petitioner's Exhibit B, web printout of TCAD account no. 0698551: 1817 Lacy Dr., *see also* Exhibit C, a printout of the interactive map linked to the webpage of TCAD account no. 0698551: 1817 Lacy Dr.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker,  
Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division


By 

Michael T. Parr II, Staff Attorney  
Environmental Law Division  
State Bar No. 24062936  
P.O. Box 13087, MC 173  
Austin, Texas 78711 3087  
Telephone No. 512-239 0611  
Facsimile No. 512-239-0626  
E-mail: Michael.Parr@tceq.texas.gov

REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

### CERTIFICATE OF SERVICE

I certify that on June 3, 2022, the Executive Director's Response to Petition to Revoke TCEQ Permit No. WQ0015722001 was filed with the TCEQ's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.

  
Michael T. Parr II, *Staff Attorney*  
Environmental Law Division  
State Bar No. 24062936

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

Casey Bell, *for Petitioner*  
Duggins Wren Mann & Romero, LLP  
600 Congress Ave, Suite 1900  
Austin, Texas 78767-1149  
FAX 512/744-9399  
[cbell@dwmrlaw.com](mailto:cbell@dwmrlaw.com)

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

Ed McCarthy II and Eddie McCarthy III, *for SigmaPro Properties, LLC*  
McCarthy & McCarthy, L.L.P.  
1122 Colorado St., Suite 2399  
Austin, Texas 78701  
512-904-2311  
[Ed@ermlawfirm.com](mailto:Ed@ermlawfirm.com)  
[Eddie@ermlawfirm.com](mailto:Eddie@ermlawfirm.com)

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

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

Docket Clerk  
TCEQ Office of Chief Clerk, MC 105  
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](mailto:pep@tceq.texas.gov)

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



*Vic McWherter, Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 3, 2022

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: **SIGMAPRO PROPERTIES, LLC**  
**TCEQ DOCKET NO. 2022-0531-MWD**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Petition to Revoke in the above-entitled matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda D. Pesonen", with a long horizontal flourish extending to the right.

Amanda D. Pesonen  
Assistant Public Interest Counsel

cc: Mailing List

**TCEQ DOCKET NO. 2022-0531-MWD**

<b>PETITION BY 1817 LACEY, LTD.</b>	<b>§</b>	<b>BEFORE THE</b>
<b>TO REVOKE TPDES PERMIT NO.</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>WQ0015722001 ISSUED TO</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>SIGMAPRO PROPERTIES, LLC</b>	<b>§</b>	

**THE OFFICE OF PUBLIC INTEREST COUNSEL’S RESPONSE TO  
PETITION TO REVOKE**

COMES NOW, the Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (the Commission or TCEQ) and files this response to the petition to revoke filed by 1817 Lacey, Ltd. in the above-referenced matter.

**I. BACKGROUND**

On August 30, 2018, SigmaPro Properties, LLC (SigmaPro) applied to the TCEQ’s Water Quality Division for a new permit to discharge 9,500 gallons of wastewater per day. The application was declared administratively complete on October 8, 2018. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) was published in a newspaper of general circulation in Tarrant County in English and in Spanish on October 20, 2018. On October 22, 2018, the Chief Clerk mailed the NORI to interested persons and landowners as identified in the application. The Chief Clerk mailed the Combined NORI and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater (NAPD) to interested persons and landowners as identified in the application on January 17, 2019. The NORI and NAPD were published in a newspaper of general circulation in Tarrant County in English on January 26, 2019, and in Spanish on February 9, 2019. The comment period for the application ended on March 11, 2019. No comments were submitted to the TCEQ and the Executive Director (ED) signed TPDES Permit No. WQ0015722001 on March 21, 2019. No motions to overturn the ED’s decision to issue the permit were submitted to the TCEQ.



## II. PETITION TO REVOKE PERMIT NO. WQ0015722001

On April 21, 2022, 1817 Lacey, Ltd. (Petitioner or Lacey) petitioned the TCEQ to revoke SigmaPro's Permit No. WQ0015722001. Petitioner argues that the permit should be revoked because SigmaPro provided TCEQ with false information on the adjacent landowner map and the sheet attached to the map included with its application, depriving Lacey, an adjacent landowner, of required notice of the application. Petitioner contends that because SigmaPro made a false or misleading statement in their formal application, good cause now exists for permit revocation based on the failure to disclose fully all relevant facts. Furthermore, Petitioner argues that because SigmaPro did not identify Lacey as an adjacent landowner, Lacey was not provided the required notice and was denied to opportunity to engage in public participation with respect to the application.

## III. APPLICABLE RULES

### A. Permit Revocation

“A permit or other order of the commission does not become a vested right and may be suspended or revoked for good cause at any time by order of the commission after opportunity for a public hearing is given.”<sup>1</sup> Good cause for revocation includes “the permittee's failure in the application or hearing process to disclose fully all relevant facts, or the permittee's misrepresentation of relevant facts at any time.”<sup>2</sup>

Additionally, the Commission may revoke an original permit if the Commission finds after notice and hearing that the permit holder or applicant “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.”<sup>3</sup>

Revocation of a permit may be requested by a “person affected by the issuance of a permit or other order of the commission.”<sup>4</sup> Affected persons “may initiate proceedings

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<sup>1</sup> 30 Texas Administrative Code (TAC) § 305.66(a).

<sup>2</sup> 30 TAC § 305.66(a)(4); see also Texas Water Code § 7.302(b)(5).

<sup>3</sup> 30 TAC § 305.66(f)(3).

<sup>4</sup> 30 TAC § 305.66(d).

for revocation or suspension by forwarding a petition to the executive director to be filed with the commission.”<sup>5</sup> “In the absence of a request filed by the permittee or of sufficient consent and waiver, the commission shall conduct a public hearing on a petition to revoke or suspend a permit or other order of the commission.”<sup>6</sup>

**B. Notice**

When mailed notice is required,<sup>7</sup> the Chief Clerk shall mail notice to “the landowners named on the application map or supplemental map, or the sheet attached to the application map or supplemental map,”<sup>8</sup> among others. The map submitted with an application for a wastewater discharge permit must include “a list of adjacent and potentially affected landowners and their addresses along with a map locating the property owned by these persons.”<sup>9</sup> TCEQ is required to mail out notice to this group of people once the ED has declared the application administratively complete,<sup>10</sup> and again when the ED has declared the application technically complete.<sup>11</sup>

**IV. DISCUSSION**

As a preliminary matter, in order to petition for the revocation of a permit, the petition must be brought by a “person affected by the issuance of a permit or other order of the commission.”<sup>12</sup> Petitioner argues that it is affected by the issuance of SigmaPro’s permit because it is an adjacent landowner and is therefore impacted by the regulated activity and is personally affected by the issuance of the permit. OPIC agrees.

Petitioner contends Lacey, not Closner Equipment Co Inc as identified in the application, is—and since 2005 has been—the owner of Lot 4 depicted on the adjacent

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<sup>5</sup> *Id.*

<sup>6</sup>30 TAC § 305.68(a).

<sup>7</sup> 30 TAC § 39.551(b)(1) and 30 TAC § 39.418(b)(2); 30 TAC § 39.551(c)(2).

<sup>8</sup> 30 TAC § 39.413(1).

<sup>9</sup> 30 TAC § 281.5(6).

<sup>10</sup> 30 TAC § 39.418(b)(2).

<sup>11</sup> 30 TAC § 39.419(c).

<sup>12</sup> 30 TAC § 305.66(d).

landowner map.<sup>13</sup> According to the petition to revoke and its attachments, Petitioner's property is located directly across the street from SigmaPro's facility, and the discharge route runs through the length of Petitioner's property.<sup>14</sup> Petitioner questions the suitability of the discharge route and states discharge from the facility has created ponding on Petitioner's property and has also created nuisance odors. According to Attachment E of SigmaPro's application, part of the property purported to be owned by Petitioner lies within the 150-foot nuisance odor buffer zone around the facility.<sup>15</sup>

SigmaPro's misidentification of the owner of Petitioner's property may constitute good cause grounds for permit revocation as a "misrepresentation of material fact" or a "false or misleading statement in connection with" its original application under the rules. The record raises questions as to whether all required landowners were included in SigmaPro's application materials. Furthermore, if Petitioner had been identified on the adjacent landowner's list, Petitioner would have been given notice of SigmaPro's application and would have been provided with a meaningful opportunity to participate in the application process as an affected landowner. In her affidavit attached to Lacey's petition, Mabel Simson, part owner of Lacey, states she would have contested the application if Lacey had received proper notice.

Therefore, OPIC recommends the Commission refer the matter to the State Office of Administrative Hearings (SOAH) to allow the interested parties an opportunity to present evidence on whether there is good cause to revoke Permit No. WQ0015722001, and whether all relevant notice requirements have been met.

## V. ISSUES RECOMMENDED FOR REFERRAL

Because there may be conflicting facts within the record, OPIC recommends the following issues be referred to SOAH for a contested case hearing:

1. In relation to Permit No. WQ0015722001, did SigmaPro misrepresent a material fact by not including Petitioner's landowner information in the application materials?

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<sup>13</sup> *Petition to Revoke*, Exhibit A, p. 55.

<sup>14</sup> *Petition to Revoke*, Exhibit A, p. 54.

<sup>15</sup> *Petition to Revoke*, Exhibit A, p. 62.

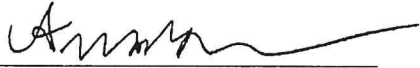
2. In relation to Permit No. WQ0015722001, have the notice requirements of 30 TAC §§ 39.413 and 39.551(c) been correctly fulfilled?

## VI. CONCLUSION

OPIC recommends the Commission find that Petitioner is an affected person and refer this matter to SOAH for the parties to present evidence on whether there is good cause to revoke SigmaPro's permit and whether there was sufficient mailed notice for the ED to approve Permit No. WQ0015722001.

Respectfully submitted,


Vic McWherter  
Public Interest Counsel

By: 

Amanda D. Pesonen  
Assistant Public Interest Counsel  
State Bar No. 24098247  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-6363 Phone  
(512) 239-6377 Fax

## CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2022, the original of the Office of Public Interest Counsel's Response to Petition to Revoke TPDES Permit was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.



Amanda D. Pesonen

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](mailto:cbell@dwmrlaw.com)

Edmond R. McCarthy, Jr.  
McCarthy & McCarthy, LLP  
1122 Colorado St., Suite 2399  
Austin, Texas 78701  
(512) 904-2313 phone  
(512) 692-2826 facsimile  
[ed@ermlawfirm.com](mailto:ed@ermlawfirm.com)

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

Edmond R. McCarthy, III  
McCarthy & McCarthy, LLP  
1122 Colorado St., Suite 2399  
Austin, Texas 78701  
(512) 904-2311 phone  
(512) 692-2826 facsimile  
[eddie@ermlawfirm.com](mailto:eddie@ermlawfirm.com)

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

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

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
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](mailto:pep@tceq.texas.gov)