

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

September 26, 2024

Mr. Christopher T. Skinner  
Schwartz, Page and Harding, LLP  
1300 Post Oak Boulevard, Suite 2400  
Houston, Texas 77056

Re: Publication of Notice of Petition for Creation of Waller County Municipal Utility  
District No. 39  
TCEQ Internal Control No. D-09092024-014

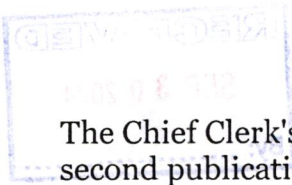
Dear Mr. Skinner:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact Cheyenne Connors in the District Administration Office at 512/239-3583 if the notice is found to be in error.

This full notice, including Exhibit A, must be published in accordance with 30 Texas Administrative Code Section 293.12, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the proposed district is to be located. Publication shall be once a week for two consecutive weeks. The 30-day comment period will begin on the day after the date of the **second** publication.

In addition, pursuant to 30 Texas Administrative Code 293.12, you are required to post the enclosed notice, including Exhibit A, on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located. This notice should be posted so that it is available to the public no later than the date of your second newspaper publication.

After notice has been published and posted in accordance with 293.12, please provide proof of these actions to the Chief Clerks Office (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. The proof of posting can be in the form of an affidavit signed by a representative for the proposed district, stating all facts of the posting action.



The Chief Clerk's Office should receive all affidavits no later than 14 days after the second publication of the notice in the newspaper.

If you have any questions regarding these publication requirements, please contact Brad Patterson in this office at 512/239-1201.

Sincerely,

*Laurie Gharis*

Laurie Gharis  
Chief Clerk

LG/ ka  
Enclosures

cc: To all on attached mailing list.

MAILING LIST

**Waller County Municipal Utility District No. 39**

TCEQ Internal Control No. D-09092024-014

Mr. Christopher T. Skinner  
Schwartz, Page and Harding, LLP  
1300 Post Oak Boulevard, Suite 2400  
Houston, Texas 77056

Mr. Joshua Mark Campbell, P.E.  
Edminster, Hinshaw, Russ & Associates,  
Inc.  
10011 Meadowglen Lane  
Houston, Texas 77042

The Honorable Stan Kitzman  
Texas House District 85  
P.O. Box 2910  
Austin, Texas 78768

The Honorable Lois Kolhorst  
Texas Senate District 18  
P.O. Box 12068  
Capitol Station  
Austin, Texas 78711

Ms. Nicole Bealle  
TCEQ Region 12  
5425 Polk Street, Suite H  
Houston Texas 77023

Ms. Debbie Hollan  
Waller County Clerk  
425 FM 1488, Suite 112  
Hempstead, Texas 77445

The Honorable Judge Carbett J. Duhon  
III  
Waller County Judge  
425 FM 1488, Suite 106  
Hempstead, Texas 77445

Texas Commission on Environmental  
Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney,  
Environmental Law Division, MC-173

Cheyenne Connors, Districts Bond  
Team, MC-152

Stephanie DeSouza, Districts Creation  
Review Team, MC-152

Justin Taack, Technical Manager,  
Districts Creation Review Team, MC-  
152

Michelle Voytko, Drinking Water  
Technical Review, Water Supply  
Division, MC-155

Garrett Arthur, Office of the Public  
Interest Counsel, MC-103

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

Applicant Name: Waller County MUD 39  
TCEQ Tracking No. D-09092024-014 CID Item No. 139376  
Application Type: PETITION FOR CREATION OF A DISTRICT

# AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF: \_\_\_\_\_ §

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

\_\_\_\_\_, who being by me duly  
(name of newspaper representative)

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

of the \_\_\_\_\_ ; that said newspaper is  
(name of newspaper)

regularly published or circulated in \_\_\_\_\_ County/Countries,  
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

(date or dates of publication)

Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

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Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_

(Seal)

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-09092024-014

**PETITION.** M-Four Devco Ltd, a Texas limited partnership (Petitioner) filed a petition for creation of Waller County Municipal Utility District No. 39 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 723.077 acres located within Waller County, Texas; and (4) the proposed District is not within the corporate limits or extraterritorial jurisdiction of any city.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, extend, maintain and operate a waterworks and sanitary sewer system for domestic and commercial purposes; (2) purchase, construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) the proposed District also intends to purchase interests in land and purchase, construct, acquire, improve, extend, maintain, and operate improvements, facilities, and equipment for the purpose of providing recreational facilities, as shall be consonant with all of the purposes for which the proposed District is created. Additionally, the proposed District may also exercise road powers and authority pursuant to applicable law, and pursuant to applicable law, the proposed District may also establish, finance, provide, operate and maintain a fire department and/or fire-fighting services within the proposed District.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$195,926,275 (\$124,478,000 for water, sewer and drainage facilities, \$9,170,275 for recreational facilities, and \$62,278,000 for road facilities).

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

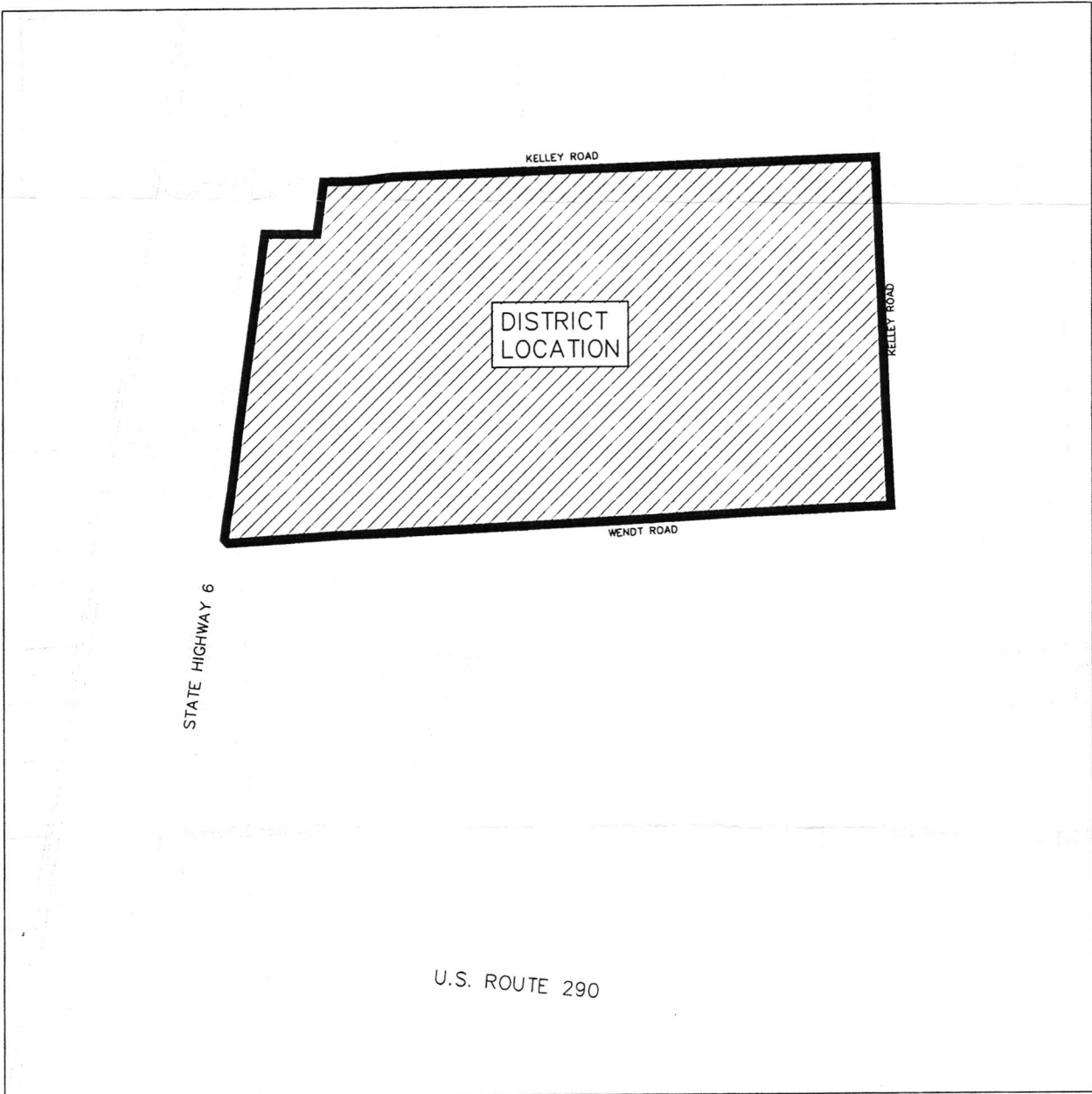
The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site <http://www.tceq.texas.gov/>.

Issued: September 26, 2024



EXHIBIT "A"  
WALLER COUNTY  
MUNICIPAL UTILITY DISTRICT  
NO. 39



DISTRICT LOCATION MAP

SCALE: 1"=2000'