

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2023

Mr. Howard Cohen
Schwartz, Page & Harding LLP
1300 Post Oak Boulevard, Suite 2400
Houston, Texas 77056-3044

Re: Publication of Notice of District Petition regarding creation of Harris County
Municipal Utility District No.588
TCEQ Internal Control No. D-01172023-018

Dear Mr. Cohen:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact James Walker in the District Administration Office at 512/239-2532 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 Georgia Carroll-Warren in this office at 512/239-3314.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

LG/ka
Enclosures

cc: To all on attached mailing list.

MAILING LIST

Harris County Municipal Utility District No.588
TCEQ Internal Control No. D-01172023-018

Mr. Howard Cohen
Schwartz, Page & Harding LLP
1300 Post Oak Boulevard, Suite 2400
Houston, Texas 77056-3044

Mr. Brian Chovanec, P.E.
Benchmark Engineering Corporation
2401 Fountainview, Suite 500
Houston, Texas 77057-4845

Ms. Nicole Bealle
TCEQ Region 12
5425 Polk Street, Suite H
Houston Texas 77023-1452

The Honorable Tom Oliverson
State Representative, District No. 130
Tom.oliverson@house.texas.gov

The Honorable Lois Kolkhorst
State Senator, District No. 18
Lois.kolkhorst@senate.texas.gov

Pat J. Daniel, City Secretary
City of Houston
900 Bagby Street, Room. P101
Houston, Texas 77002-2527

Teneshia Hudspeth, County Clerk
Harris County
P.O. Box 1525
Houston, Texas 77251-1525

Chuck Wemple, Executive Director
Houston-Galveston Area Council
P.O. Box 22777
Houston, Texas 77227-2777

Harris-Galveston Coastal Subsidence
District
1600 West Bay Area Boulevard
Friendswood Texas 77546

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

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

Cole Malley, Attorney, Environmental
Law Division, MC-173

James Walker, Technical Manager,
Districts Creation Review Team, MC-
152

Stephanie DeSouza, Districts Creation
Review Team, MC-152

Justin P. Taack, Manager, Districts
Section, MC-152

Sean Ables, Drinking Water Special
Functions Section, Water Supply
Division, MC-153

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: HARRIS COUNTY MUD 588
TCEQ Tracking No. D-01172023-018 CID Item No. 131985
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.

(Seal)

Notary Public in and for the State of Texas

Print or type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-01172023-018

PETITION. LOB West, Inc., (Petitioner) filed a petition for creation of Harris County Municipal Utility District No. 588 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §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 two lienholders, K. Hovnanian of Houston II, LLC and Chesmar Homes, LLC, on the property to be included in the proposed District and both have consented to the creation of the proposed District; (3) the proposed District will contain approximately 201.648 acres located within Harris County, Texas; and (4) all of the land within the proposed District is within the extraterritorial jurisdiction of the City of Houston, Texas.

By Ordinance No. 2022-874, passed and adopted on November 9, 2022, the City of Houston, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016.

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, extent, maintain and operate of a waterworks and sanitary sewer system for domestic and commercial purposes; (2) purchase, construct, acquire, improve, extent, maintain and operate of works, improve, 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) purchase interests in land and purchase, construct, acquire, improve, extend, maintain and operate improvements, facilities and equipment for the purpose of providing recreational facilities, systems, plants, and enterprises 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 District.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$55,460,000 (\$45,285,000 for water, wastewater, and drainage plus \$4,000,000 for recreation plus \$6,175,000 for roads).

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: April 10, 2023

