

**TCEQ DOCKET NO. 2022-0326-MWD**

**APPLICATION BY HARRINGTON § BEFORE THE**  
**TURNER ENTERPRISES LP AND §**  
**RESTORE THE GRASSLANDS LLC § TEXAS COMMISSION ON**  
**FOR TPDES PERMIT NO. §**  
**WQ0016003-001 IN COLLIN COUNTY § ENVIRONMENTAL QUALITY**

**CITY OF MURPHY’S REPLY**  
**TO APPLICANT’S RESPONSE TO HEARING REQUESTS**

TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Hearing requestor City of Murphy (the “City”) files this reply to the response of the Applicant Harrington/Turner Enterprises, LP and Restore the Grasslands LLC (“Applicant”) to the hearing requests filed in this case. Pursuant to the TCEQ Chief Clerk’s letter of April 13, 2022, the deadline for hearing requestors to file a reply to Applicant’s response is May 9, 2022. Accordingly, this reply is timely filed.

In their response to the hearing requests, the Applicant merely states in a wholly conclusory manner that none of the hundreds of hearing requestors in this case have demonstrated a personal justiciable interest. The Applicant did not state any arguments or facts to support its conclusory position. Accordingly, it may be reasonably inferred that there are no legitimate grounds for contesting the City of Murphy’s hearing request, or any of the other hearing requests, filed in this case.

Of more concern to the City of Murphy however is the Applicant’s assertion, without any supporting facts, that the City is refusing to provide wastewater service to the Applicant’s proposed development unless the density of the development is no more than one lot per gross acre of land. See Section IV of Applicant’s response. The Applicant further states, without any supporting facts, that the City has solicited opposition to the permit application from local residents and that

such opposition is not based on any relevant issue, but because of the proposed density and the projected average price of the homes. The Applicant then concludes that all hearing requests filed in this case are “nothing more than an effort to delay and hopefully prevent the development of Applicant’s property.”

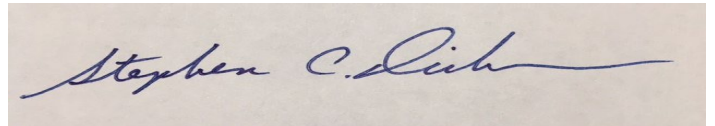
The City of Murphy strongly objects to these unsupported assertions. As described in the City’s hearing request and in the hundreds of other hearing requests filed by adjacent and nearby residents, there are numerous serious concerns about water quality, environmental impacts, human health impacts, operational practices, odors, and the availability of other regional wastewater options. For the Applicant to dismiss these concerns and to boil down the hundreds of hearing requests to a mere dispute about development density is a slap-in-the-face to the City and these hundreds of concerned citizens.

Although Murphy is concerned about the proposed development density, that is not an issue it has raised in its hearing request, nor is it a relevant issue under TCEQ’s wastewater permitting rules. And while Murphy has had discussions with the Applicant regarding density of development, Murphy unequivocally denies that it is demanding a maximum density of one lot per gross acre of land. Indeed, Murphy is still hopeful that the developer will revise its proposed development to meet a lesser density than originally proposed. Murphy would accept a density that is commensurate with adjacent new developments as this lesser density would enable Murphy to tie on the proposed development to Murphy’s wastewater system. But at the currently proposed density, connecting the development to the City’s wastewater system would tax the capacity of the City’s wastewater system and put it at risk for operational problems and the need for capacity expansion. The Applicant’s unsupported allegations about Murphy’s supposed underlying

motivations does not serve the Parties' interests in achieving a mutually acceptable resolution of this permitting case.

Accordingly, the City of Murphy re-urges its request for hearing and hopes that the TCEQ commissioners will ignore the Applicant's unsupported allegations stated in its response to hearing requests.

Respectfully submitted,

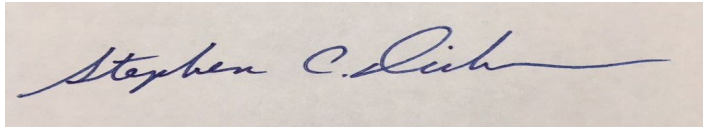
A rectangular area containing a handwritten signature in blue ink that reads "Stephen C. Dickman".

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 6, 2022, the foregoing Reply of the City of Murphy to Applicant’s Response to Hearing Requests was filed with the TCEQ Chief Clerk and a copy of same was served on all persons on the below mailing list either by electronic mail and/or by deposit in the U.S. Postal Service mail.



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Stephen C. Dickman

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