

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

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

**LANCE CAUGHFIELD’S REPLY TO  
THE APPLICANT’S RESPONSE TO HEARING REQUESTS**

To the Members of the Texas Commission on Environmental Quality:

Lance Caughfield, as an affected person in the above referenced matter, files this Reply to the Applicant’s Response to Hearing Requests, filed April 25, 2022, and respectfully offers the following:

**I. I am an affected person.**

The Applicant makes the baseless assertion (in possible violation of Texas Civil Practice and Remedies Code Section 10.001 and Texas Disciplinary Rule of Professional Conduct 3.01) that there are no “real” affected persons, and that all persons claiming to be such have been recruited by surrounding municipalities as “nothing more than an effort to delay and hopefully prevent the development of Applicant’s property.” Response, p.4. This statement is patently false.

My property is located on Maxwell Creek, just a few hundred feet directly downstream of the proposed discharge point. As noted in various filings, we live on this property, which goes to the midline of the creek, and has fencing on the bluff above the creek. This bluff is eroding, and as part of our work to control this erosion and maintain our property, we are frequently working in the creek, attempting erosion control and planting, tending, harvesting, and consuming berries, watercress, and other plant life as part of that effort. We also tend a garden on the edge of the creek, and observe the wildlife along the creek from our yard and cameras. We are intimately familiar with creek, and it is an integral part of our property and daily life. The degradation of the creek and surrounding environment will mean a degradation of our property and daily life.

As noted by the Responses of both the Executive Director and the Public Interest Counsel, I am an affected person pursuant to Section 55.203. 30 TAC § 55.203. I have a personal justiciable interest affected by the application relating to my legal rights and economic interests. Those rights are protected by law, have a direct and reasonable relationship to the proposed activities, and would likely impact my health, safety, and use of my property. I timely submitted comments on the application and otherwise met applicable deadlines, and the Executive Director recommended that I be designated an affected person. I request the same.

## **II. I am not involved in a conspiracy lead by surrounding cities against Applicant.**

Our philosophy as a family is that we are stewards of the environment. We used to own a ranch north of Austin on the South San Gabriel River. At that point, the river was a clear-bottomed limestone waterway. The LCRA condemned portions of our ranch, and put in a waste treatment plant as part of a MUD. The treated effluent was dumped into the South San Gabriel. Despite assurances of quality and environmental care, within two years, that portion of the South San Gabriel had undergone eutrophication, and what was once a clear, limestone-bottomed river became an odiferous green sludge-filled mess.

We eventually sold that property, and I used a portion of my proceeds to purchase my current home on Maxwell Creek. I thus personally know what can happen to exactly this environment when it is mismanaged, and I am not willing to see it happen again without doing what I can to ensure that the environment, and my own property and quality of life, are not degraded for another's increased profit. This is very much a personal interest and concern.

I am also an attorney, board certified in civil appellate law, and in good standing with the State Bar of Texas. As such, I take seriously any allegation that I have misrepresented facts or willingly conspired to abuse legal process. I therefore deny all allegations that I have no personal interest and am simply a tool for any municipality to delay or stop this development. Indeed, I began investigating and working on my own objections upon notice of the proposed discharge, and before I knew either City was going to become actively involved in opposing the application. I request that the Members of the Commission question the attorneys for Applicant, as well as applicant, for the basis of their assertions in their pleadings otherwise.

## **III. Prayer for Relief**

The Applicant's allegations of conspiracy and fraudulent conduct is baseless. Instead, the facts relevant to the Commission's decision show that the Applicant seeks to build a wastewater discharge plant on one of the few remaining pristine creeks in this area, and that this proposed discharge will negatively impact my personal property and quality of life in a way that is distinct from the impact on the general public. As such, I pray that the Commissioners recognize me as an affected person, grant the request for contested case hearing, deny the application, and for such other and further relief, whether at equity or in law, to which I, my family, and the environment this Commission is tasked with protecting, are entitled.

Respectfully submitted,

By: /s/ Lance E. Caughfield

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**CERTIFICATE OF SERVICE**

I hereby certify that, on May 9, 2022, a true and correct copy of the above and foregoing has been served through the TCEQ's electronic filing system and a copy of same was served on all persons on the below mailing list by electronic mail:

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/s/ Lance E. Caughfield  
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