

SOAH DOCKET NO. 582-23-01498
TCEQ DOCKET NO. 2022-0533-DIS

APPLICATION FOR THE	§	BEFORE THE TEXAS COMMISSION
CREATION OF	§	ON ENVIRONMENTAL QUALITY
COLLIN COUNTY MUD. 7	§	OFFICE OF THE COMMISSIONERS

To the Honorable Commissioners:

Protestants Carolyn J Moebius, Don Wade Cloud, Jr, Lindy “Buddy” Pilgrim, Ray Hemmig, Ted Lane, Angelique Loncar, Andrew Malczewski, Katherine Calabria Harvey and Laura Hernandez (collectively, “Protestants”) file this Protestants’ Reply to Applicant’s Attempt to Disqualify Affected Parties, Renewed Opposition to Restore the Grasslands Joinder Petition, Renewed Motion to Strike Re-notice and Limits on Commission’s Authority at May 22, 2025 Hearing. Protestants have all requested a contested case hearing so that Protestants are also Requestors.

Part A – Reply to Applicant’s Attempt to Disqualify Affected Parties

1. The SOAH Judge Already Ruled on Affected Party Status

Importantly, on July 25, 2022 the TCEQ ruled in an Order that Protestants were affected parties to be admitted in the contested case hearing with the exception of Pilgrim and Hemmig who were admitted later into this proceeding. On February 13, 2024, the Administrative Law Judge (ALJ) issued an order remanding the case for additional notice only. The ALJ did not vacate nor reconsider the affected party status of anyone previously admitted. The ALJ’s intent and directive are clear: previously admitted parties remain in the case, and additional notice was to ensure due process for others.(SOAH Order Remanding Case, Feb. 13, 2024)

2. The Executive Director and OPIC Agree: Affected Parties Stand

Based upon their respective responses to hearing requests, both the Executive Director (ED) and the Office of Public Interest Counsel (OPIC) unequivocally recognize that:

Previously admitted individuals (such as Protestants) remain as parties in the case.

OPIC further stated in its response that it did not reevaluate requests from these individuals because “they will remain parties for the duration of this proceeding.” (See Executive Director’s Response at p. 6; OPIC Second Response at p. 1).

3. RTG's Counsel in RTG’s response to hearing requests makes frivolous and without meritless claims

RTG’s attorney’s absurd blanket claim that no individual has a justiciable interest even those who live adjacent to the proposed MUD, have already been recognized by SOAH, and meet every regulatory standard is a clear attempt to undermine the contested case process, create needless work for Protestants and all Requestors, and silence public participation. (See 2022-0533 DIS Applicant’s Response to Hearing Requests filed April 28, 2025, pp. 5–6).

Such conduct is not only legally baseless, but it shows disdain for the administrative process and the Commission’s and SOAH judge’s prior rulings. It reflects an intentional effort to obstruct the rights of landowners, municipalities, and other stakeholders who have followed all rules, submitted timely comments, and participated in good faith.

4. RTG Is Not Even the Proper Applicant of Record

The SOAH caption still lists Harrington/Turner Enterprises, LP as the applicant. RTG has not been properly substituted in through a motion granted by SOAH. Thus, their attorney's efforts to rewrite the scope of party rights are not only inappropriate — they are being asserted without even being formally recognized as the petitioner in this matter. (SOAH Docket No. 582-23-01498 case caption).

Part B – Renewed Previously Filed Opposition to RTG Joinder Petition

Protestants continue and renew their opposition to the Joinder Petition filed by RTG on October 9, 2023, in connection with the revised Petition for Creation of Collin County Municipal Utility District No. 7. The TCEQ has never ruled upon Protestants' opposition. TCEQ can summarily dispose of the meritless petition for the MUD at issue by granting Protestants' opposition and the relief sought therein.

RTG is not the original petitioner and only became the landowner on September 22, 2023, after Harrington/Turner Enterprises, LP ("HTE") conveyed the subject property. As a matter of law, RTG's attempt to proceed *via* a Joinder Petition is procedurally improper and substantively invalid. Under Texas Water Code §54.014, a petition for creation of a municipal utility district must be signed by the current titleholders. Once HTE transferred ownership, it lost standing to continue with the petition. RTG's Joinder Petition—executed after the transfer—has no statutory basis allowing a new landowner to "join" an existing petition rather than file a new one, which would be subject to full statutory review and public notice.

Moreover, RTG has not been admitted as a party to this proceeding and therefore cannot substitute itself for the original petitioner. The effect is that the petition has been abandoned and must be dismissed.

As previously set forth in the *Protestants' Response in Opposition to Joinder Petition and Motion for Order Dismissing Revised Petition with Prejudice*, both filed on October 15, 2023, the facts and law make clear that the Revised Petition cannot lawfully proceed. HTE's transfer of its interest extinguished its standing, and RTG has failed to meet the statutory requirements to initiate a new petition.

Additionally, Protestants call the Commission's attention to another significant issue: RTG and its counsel, Coats Rose, are expected to argue that Wastewater Permit No. WQ0016003001 has been transferred. However, 30 Texas Administrative Code §305.64(a) states unequivocally: "An attempted transfer is not effective for any purpose until actually approved by the commission." Subsection (b) further requires that the transferee or permittee submit an application for transfer at least 30 days in advance. To date, there is no record of Commission approval. Therefore, RTG does not hold a valid permit, undermining any assertion that it can assume HTE's position in this matter.

Notably, RTG is not listed as the applicant on/by either the TCEQ or SOAH websites/legal records.

Part C – Renewed Previously Filed Motion to Strike Re-notice

Protestants formally objected in their pending motion to strike to the sufficiency and legality of the May 23, 2024 Notice of District Petition regarding the proposed creation of Collin County MUD No. 7. This objection is submitted in summary support of the *Protestants' Motion for Order Declaring Notice of District Petition Void*, previously filed with the TCEQ and SOAH on June 14, 2024. While we will not attach exhibits already filed, we highlight below several of the notice's fatal deficiencies:

1. Inaccurate Representation of Petitioner Actions: The notice refers to prior petitions and legal steps taken by HTE, a former landowner, to imply compliance with legal prerequisites. However, HTE sold the land on September 22, 2023 and is no longer a party of interest. The current landowner, RTG, has not filed its own petition or met the statutory requirements to proceed.

2. No Valid Petitioner: The notice improperly treats RTG as if it has standing to continue HTE's abandoned petition. RTG has not filed an independent petition or been admitted as a party, which is required under Texas law. As a result, the notice does not correspond to a valid, active petition.

3. Material Misstatements:

The notice falsely claims RTG is the title holder of all property in the district "as shown by the Collin County Tax Rolls," even though the petition itself refers to HTE as the landowner.

It inaccurately states that there are "no lienholders," despite the existence of a recorded deed of trust in favor of First United Bank & Trust Company.

- Also, it declares all land to be within the ETJ of Parker, Texas, though RTG has filed a petition for ETJ release, and pending litigation on the constitutionality of the relevant law (SB 2038) introduces significant uncertainty.

4. Cost Estimate Is Invalid: The stated development cost of \$44,210,000 is outdated and based on a project proposal by HTE from 2022. There is no current, reliable cost estimate submitted by RTG, nor any publicly available project plans or feasibility studies.

5. Due Process Concerns: The notice of May 23, 2024 lacks the transparency, accuracy, and timeliness required by law and due process. By incorporating outdated and incorrect information, the notice misleads the public and prevents meaningful participation.

For these reasons, the Protestants vigorously continue to urge the Commission to declare the May 23, 2024 Notice fatally defective and void. The lack of a valid petitioner, the inaccuracies in ownership and lienholder disclosure, and the failure to comply with procedural requirements collectively deny the public the notice they are entitled to under law. The TCEQ has never ruled upon Protestants' motion to strike. TCEQ can summarily dispose of the meritless petition for the MUD at issue by granting Protestants' motion to strike and the relief sought therein.

Part D – Limits on Commission's Authority at May 22, 2025 Hearing

On May 22, 2025, the Commission cannot grant the pending Petition for Creation of Collin County MUD No. 7 unless a Contested Case Hearing (CCH) is first granted to the Protestants who have filed timely and legally sufficient requests. The Commission can summarily deny the Petition based upon the record in this case but cannot consider granting the Petition prior to allowing for a full and appropriate contested case hearing. Protestants continue to assert the Petition must be denied in its entirety.

Further, the Commission may and should deny the petition outright at that meeting on May 22, 2025 because the applicant, Restore the Grasslands, LLC (RTG), lacks jurisdictional standing. As detailed in prior filings and arguments, RTG has not lawfully substituted itself as the petitioner, has not filed a valid and complete

application for MUD creation, and holds no effective wastewater permit under applicable rules. Therefore, jurisdiction is lacking, and dismissal is appropriate.

CONCLUSION AND PRAYER

Protestants reserve the right to amend this pleading and assert additional arguments. For the reasons set forth above and in the record Protestants respectfully urge the Commission to take the following actions:

- **Strike** the May 23, 2024 notice of district petition as fatally defective and void, due to the absence of a valid petitioner, material misstatements regarding ownership and lienholders, and failure to comply with legal notice requirements;
- **Deny** the Joinder Petition filed by Restore the Grasslands, LLC (RTG) and the Revised Petition submitted by Harrington/Turner Enterprises, LP (HTE), with prejudice;
- **Reject** RTG's improper attempt to disqualify previously admitted affected parties;
- **Affirm** that all parties previously granted affected party status—including the Cities of Murphy and Parker, Carolyn J. Moebius, Don Wade Cloud, Jr., Lindy "Buddy" Pilgrim, Ray Hemmig, Ted Lane, Angelique Loncar, Andrew Malczewski, and Laura Hernandez—retain their full legal standing;
- **Confirm** that any individuals granted affected party status by the Commission on May 22, 2025, shall automatically be entitled to a contested case hearing if a future petition for district creation is submitted;
- **Require** that any future petition for district creation be submitted by a properly qualified landowner-petitioner in compliance with Chapter 54 of the Texas Water Code and all related procedural requirements;
- **Deny** the pending MUD creation petition outright at the May 22, 2025 meeting, as RTG lacks jurisdictional standing—having failed to file a valid and complete application, failed to substitute in as petitioner lawfully, and lacking an approved wastewater permit under applicable TCEQ regulations; and
- Grant such additional relief as requested by Protestants

Respectfully submitted,

/s/ Carolyn J. Moebius

Carolyn J. Moebius on behalf of herself and
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Certificate of Service

I certify that on the 12th day of May, 2025, a true and correct copy of the foregoing document titled “Protestants’ Reply to Applicant’s Attempt to Disqualify Affected Parties, Renewed Opposition to Restore the Grasslands Joinder Petition, Renewed Motion to Strike Re-notice and Limits on Commission’s Authority at May 22, 2025 Hearing” was served via electronic mail upon the following individuals in accordance with applicable law.

Respectfully submitted,

/s/ Carolyn J. Moebius

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Dear Commissioners:

I respectfully submit this letter to request a contested case hearing the comment I previously submitted on July 11th during the 2022 comment period regarding the proposed Collin County Municipal Utility District #7.

I now respectfully submit this request in accordance with 30 Texas Administrative Code § 55.201.

I hereby request a contested case hearing on the proposed creation of the MUD.

My property is located in direct proximity to the proposed MUD boundary, and I am likely to be personally affected in several ways, including but not limited to:

- Decreased property values from incompatible high-density development within 600 feet from my home;
- Flooding risks, which are already a documented concern in the area and would be exacerbated by Maxwell Creek, the proposed outlet;
- Increased traffic and noise that would burden nearby roads and my neighborhood;
- Tax and infrastructure burdens resulting from the City of Murphy potentially absorbing indirect costs (Fire and Public safety) of the development without gaining tax revenue from MUD residents;
- Potential odor or pollution issues related

These impacts are specific to my property and not merely concerns of the general public. I therefore meet the criteria for “affected person” status under 30 Texas Administrative Code § 55.256.

I respectfully ask the Commission to accept this letter as a correction and clarification of my original filing and grant my request for a contested case hearing.

Thank you for your consideration.

Sincerely,

Reny Abraham

Dear Commissioners:

I respectfully submit this letter to request a contested case hearing the comment I previously submitted on July 11th during the 2022 comment period regarding the proposed Collin County Municipal Utility District #7.

I now respectfully submit this request in accordance with 30 Texas Administrative Code § 55.201.

I hereby request a contested case hearing on the proposed creation of the MUD.

My property is located in direct proximity to the proposed MUD boundary, and I am likely to be personally affected in several ways, including but not limited to:

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Thank you for your consideration.

Sincerely,

Elizabeth Abraham

**SOAH DOCKET NO. 582-23-01498
TCEQ DOCKET NO. 2022-0533-DIS**

APPLICATION FOR THE CREATION	§	BEFORE THE STATE OFFICE
OF COLLIN COUNTY MUNICIPAL	§	OF ADMINISTRATIVE
UTILITY DISTRICT NO. 7	§	HEARINGS

MOTION FOR DISMISSAL FOR LACK OF JURISDICTION

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The City of Parker (“City” or “Parker”) requests that the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) dismiss the proceedings in this docket for lack of jurisdiction.

A. FACTS

1. Harrington Turner Enterprises, LP (“H/TE”) petitioned the City of Parker for the creation of Collin County Municipal Utility District No. 7 (“CCMUD7”) within the City’s extraterritorial jurisdiction. See Exhibit No. 1.
2. The City failed to give its consent to the creation of CCMUD7.
3. On or about March 27, 2021, H/TE petitioned the TCEQ for the creation of CCMUD7.
4. On or about January 6, 2022, Notice of District Petition for CCMUD7 was published in a newspaper and named H/TE as Petitioner and owner of the property sought to be placed within the boundaries of CCMUD7. See Exhibit No. 2.
5. The City, among others, were named as affected persons by the Petition and a contest case hearing was granted for the Petition.
6. The Commission issued its Interim Order determining affected parties, and stated that the State Office of Administrative Hearings (“SOAH”) shall hold a “contested case hearing on the *Petition*” which names H/TE as the petitioner.

7. On October 5, 2023, after the prefiled evidence deadline for H/TE's direct and rebuttal case had been closed and all discovery in the case had been closed, H/TE filed a Notice of Property Sale advising the Administrative Law Judge ("ALJ") and all Parties that on September 22, 2023, H/TE conveyed ownership of the 102.465 acres comprising the subject CCMUD7 property to Restore the Grasslands LLC ("RTG").
8. None of the parties, including Parker, had any meaningful opportunity to conduct discovery on RTG.
9. On or about February 9, 2024, the case was remanded back to TCEQ for additional notice.
10. On or about May 23, 2024, additional notice of this docket was published, but instead of naming the Petitioner, H/TE, the notice named RTG as "holder of title to the Property." See Exhibit No. 3.
11. The instant matter is before the Commission without all legal requisites for the Commission to consider the Petition.

B. Argument and Authorities

12. Texas Local Government § 42.042(a) provides that a political subdivision like the municipal utility district sought by CCMUD7 may not be created in a municipality's extraterritorial jurisdiction without the consent of the municipality. Both H/TE and RTG admit that the subject property of the MUD is within Parker's ETJ. See Petition at Section III. and RTG's Response to Hearing Requests at Section I.
13. The section goes on to enumerate a process to create a MUD if a city does not provide its written consent.
14. Texas Local Government § 42.043 requires that the petition to the City "*must*" be signed by the appropriate "landowners."

15. Similarly, Texas Water Code § 54.014 requires that, when a new MUD is proposed, a petition requesting creation must be filed with the Commission, and such petition must be signed by “a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district (“CAD”).”
16. Texas Water Code § 54.016(a) & (b), and Tex. Local Gov’t Code § 42.042 require a MUD applicant to seek the consent of the city in whose ETJ the MUD is proposed to be created in.
17. Texas Water Code § 54.0161 requires TCEQ to notify the county commissioners court of the proposed MUD creation and allow the commissioners to submit comments and a recommendation concerning the proposed MUD.
18. The City of Parker has not ever received a Petition for the Creation of a MUD from Restore the Grasslands, LLC regardless of where the property is located, but especially at the location that is considered part of this docket.
19. As such, RTG has not demonstrated that it has followed the proper procedures pursuant to Texas Local Government §§ 42.042 and 42.043 and Texas Water Code § 54.016 for submission of an application to the TCEQ. RTG’s “Petition” lacks in basic jurisdictional facts.
20. Frankly, RTG has not produced a single shred of jurisdictional evidence that demonstrates that it has complied with Texas Local Government § 42.043. A petition to the City of Parker must contain the following elements:
 - (1) be written;
 - (2) request that the area be annexed or that the services be made available, as appropriate;
 - (3) be signed in ink or indelible pencil by the appropriate voters and landowners;
 - (4) be signed, in the case of a person signing as a voter, as the person's name appears on the most recent official list of registered voters;

(5) contain, in the case of a person signing as a voter, a note made by the person stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate;

(6) contain, in the case of a person signing as a landowner, a note made by the person opposite the person's name stating the approximate total acreage that the person owns in the area to be annexed or serviced;

(7) describe the area to be annexed or serviced and have a plat of the area attached; and

(8) be presented to the secretary or clerk of the municipality. (See Tex. Local Government Code § 42.043(a)).

21. RTG cannot produce a document that demonstrates to the Commission that it presented such a Petition to the City of Parker. Thus, RTG has failed to allege sufficient jurisdictional facts for the Commission to consider the instant “joinder petition.”

22. The Commission has not adopted a rulemaking that allows a Petitioner to transfer a Petition to another entity during the permit processing phase. Thus, the attempt by RTG to not seek a new permit in this matter is cause of dismissal for lack of jurisdiction.

23. Further, if RTG is allowed to step into the shoes of H/TE then the parties are left to guess whether RTG adopts the scope of work contained in Section VIII of H/TE’s Petition.

24. Most importantly, the parties cannot evaluate the Petition to determine if RTG can construct the proposed improvements, if they will even remain the same, at the same cost proposed by H/TE in 2021.

25. Legally, RTG has failed to comply with alleging all relevant facts necessary in order for the Commission to exercise subject matter jurisdiction over the case. Because of the lack of jurisdictional facts contained in the Petition, the case should be summarily dismissed for lack of jurisdiction.

C. PRAYER

1. For the reasons stated above, Parker requests the Commission dismiss the Petition of RTG.
2. Parker requests that it be granted any such further relief to which it is justly entitled.

Respectfully submitted,

Messer Fort, PLLC

4201 W. Parmer Lane, Suite C-150

Austin, Texas 78727

(512) 600-2308

(972) 668-6414 (Fax)

art@txmunicipallaw.com

/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEY FOR THE CITY OF PARKER

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2025, a true and correct copy of the foregoing document has been sent via electronic mail, facsimile, first class mail, or hand-delivered to all counsel of record.

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.

PETITION FOR CONSENT TO CREATION OF
Collin County Municipal Utility District No. 7

THE STATE OF TEXAS §

COUNTY OF COLLIN §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF PARKER:

The undersigned (collectively, the “Petitioner”), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code, respectfully petitions this Honorable Council for its consent to the creation of a municipal utility district, and for cause would respectfully show the following:

I.

The name of the proposed District shall be “Collin County Municipal Utility District No. 7” (the “District”).

II.

The District shall be organized under the terms and provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 101.829 acres of land (the “Property”), situated within Collin County, Texas, described by meted and bounds in Exhibit “A,” attached hereto and incorporated herein. The District is located wholly within the extraterritorial jurisdiction of the City of Parker, Texas, and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

IV.

The undersigned constitutes a majority in value of the holders of title to the lands in the proposed District, as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls. There are no lienholders on the Property.

V.

The proposed District shall be organized for the following purposes:

- (1) provide a water supply for the District for municipal and domestic uses;
- (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
- (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District;
- (4) construct, acquire, improve, maintain and operate macadamized, graveled, or paved roads and turnpikes, or other improvements in aid of those roads; and
- (5) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

The aforementioned purposes may be accomplished by any mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the extent authorized by law and the creation of the District, to the end that public health and welfare may be conserved and promoted, and the purity and sanitary condition of the State's waters protected, effected and restored.

VI.

The general nature of the work anticipated to be done by the District at the present time is: (i) the construction of a water supply and distribution system for domestic purposes; (ii) the construction of a sanitary sewer conveyance and treatment system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction and financing of macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (v) such other construction, installation, maintenance, purchase and operation of such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

VII.

There is a necessity for the improvements above described because the District is located within an area which will experience a substantial and sustained residential growth within the foreseeable future, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities and services, or roads. The health and welfare of the future inhabitants of the District require the provision of adequate water, storm and sanitary sewer facilities and services, and roads.

The provisions of such water, storm and sanitary sewer facilities and services, and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of said District.

The property cannot be developed without the creation of the District to finance and provide the water, sanitary sewer, and drainage facilities and services, and roads; therefore, a public necessity exists.

VIII.

The proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the proposed District is of such nature that water, storm and sanitary sewer facilities and services, and roads can be constructed or provided at a reasonable cost; and said territory will be rapidly developed for residential use.

IX.

A preliminary investigation has been instituted to determine the cost of the proposed improvements to be constructed by the District, and it is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of such improvements will be approximately \$50,301,406.

X.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Parker, Texas, adopt a resolution giving its written consent to the creation of the District.

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RESPECTFULLY SUBMITTED this the 24th day of July, 2020.

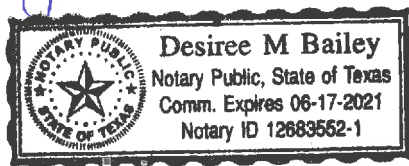
PETITIONER:

GREGORY LANE, LLC,
a Texas limited liability company

By: Margaret E. Turner
Name: Margaret E. Turner
Title: Manager

STATE OF Texas §
COUNTY OF Collin §

This instrument was acknowledged before me on the 24 day of July, 2020 by
Margaret E. Turner, in the capacity stated herein.



(SEAL)

Desiree M. Bailey
Notary Public in and for the State of Texas

RESPECTFULLY SUBMITTED this the 24th day of July, 2020.

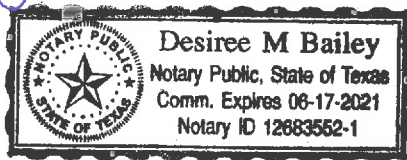
PETITIONER:

HARRINGTON/TURNER ENTERPRISES, LP,
a Texas limited partnership

By: Margaret E. Turner
Name: Margaret E. Turner
Title: Manager

STATE OF Texas §
§
COUNTY OF Collin §

This instrument was acknowledged before me on the 24 day of July, 2020 by
Margaret E. Turner, in the capacity stated herein.



(SEAL)

Desiree M. Bailey
Notary Public in and for the State of Texas

EXHIBIT "A"

METES & BOUNDS DESCRIPTION

BEING A 101.829 -ACRE TRACT OF LAND SITUATED IN THE PHILLIP ANDERSON SURVEY, ABSTRACT NO. 10, WITHIN THE ETJ OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AND PART OF A CALLED 62.822 ACRE TRACT OF LAND, AND ALL OF A CALLED 40.477 ACRE TRACT DESCRIBED TO HARRINGTON/TURNER ENTERPRISES, LP BY DEED RECORDED IN INSTRUMENT NUMBER 20081014001223870, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID 101.829 -ACRE TRACT, WITH BEARINGS BASED UPON THE DOCUMENT MENTIONED ABOVE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID 40.477-ACRE HARRINGTON/TURNER TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID PHILLIP ANDERSON SURVEY;

THENCE WITH THE BOUNDS OF SAID 40.477-ACRE AND SAID 60.822-ACRE HARRINGTON/TURNER TRACTS, THE FOLLOWING COURSES AND DISTANCES:

NORTH 01°29'40" WEST, A DISTANCE OF 1,002.43 FEET;

NORTH 88°57'12" EAST, A DISTANCE OF 1,391.03 FEET;

NORTH 88°22'14" EAST, A DISTANCE OF 263.27 FEET

NORTH 89°12'05" EAST, A DISTANCE OF 113.28 FEET TO THE NORTH COMMON CORNER OF SAID 40.477-ACRE AND SAID 60.822-ACRE TRACTS;

NORTH 89°02'10" EAST, A DISTANCE OF 888.35 FEET;

NORTH 88°53'56" EAST, A DISTANCE OF 326.30 FEET;

NORTH 88°52'29" EAST, A DISTANCE OF 326.37 FEET;

NORTH 88°46'49" EAST, A DISTANCE OF 614.30 FEET;

NORTH 88°36'08" EAST, A DISTANCE OF 63.33 FEET;

NORTH 01°43'10" WEST, A DISTANCE OF 244.84 FEET;

NORTH 88°41'07" EAST, A DISTANCE OF 992.61 FEET TO THE CALLED LOCATION OF A WESTERLY CITY LIMITS LINE BEING 300.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID PHILLIP ANDERSON SURVEY AS DESCRIBED BY JUDGEMENT RECORDED IN VOLUME 1610, PAGE 348 OF SAID DEED RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 01°29'40" EAST, WITH SAID CITY LIMITS LINE BEING 300.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID PHILLIP ANDERSON SURVEY, A DISTANCE OF 240.38 FEET TO THE SOUTHERLY LINE SAID 60.822-ACRE HARRINGTON/TURNER TRACT;

THENCE WITH THE BOUNDS OF SAID 40.477-ACRE AND SAID 60.822-ACRE HARRINGTON/TURNER TRACTS, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 88°20'46" WEST, A DISTANCE OF 756.92 FEET;

SOUTH 01°03'44" EAST, A DISTANCE OF 986.81 FEET;

SOUTH 88°36'46" WEST, A DISTANCE OF 921.90 FEET;

SOUTH 88°39'05" WEST, A DISTANCE OF 1,525.36 FEET;

SOUTH 79°08'45" WEST, A DISTANCE OF 6.81 FEET TO THE SOUTH COMMON CORNER OF SAID 40.477-ACRE AND SAID 60.822-ACRE TRACTS;

SOUTH 88°45'42" WEST, A DISTANCE OF 1,759.44 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 101.829 ACRES (4,435,654 SQ. FEET), OF LAND.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

CERTIFICATE OF RECEIPT

THE STATE OF TEXAS §

COLLIN COUNTY §


COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 7 §

I, Patti Scott Grey, City Secretary for the City of Parker, Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Petition for Consent to Creation of Collin County Municipal Utility District No. 7 as was filed with the City of Parker, Texas on 4th day of August, 2020.

WITNESS my hand and the Seal of said City this 28th day of August, 2020.



(SEAL)


 Patti Scott Grey
 City Secretary
 City of Parker, Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**NOTICE OF DISTRICT PETITION**
TCEQ Internal Control No. D-04122021-017

PETITION. Harrington/Turner Enterprises LP, a Texas Limited Partnership, submitted a revised petition for creation of Collin County Municipal Utility District No. 7 (District) with the Texas Commission on Environmental Quality (TCEQ). The revised 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 revised petition states that: (1) the Petitioner is the holder of title to the Property as shown by the Collin County Tax Rolls and conveyances of Record 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 101.829 acres located within Collin County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Parker, Texas.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "A" and is depicted in the vicinity map designated as Exhibit "B," both of which are attached to this document.

The revised petition further states that the general nature of the work proposed to be done by the District, as contemplated at the present time, is to: (1) construct a water supply and distribution system for domestic purposes; (2) construct a sanitary sewer conveyance and treatment system; (3) control, abate, and amend the harmful excess of waters and the reclamation and drainage of overflowed lands within the proposed District; (4) construct and finance macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) construct, install, maintain, purchase, and operate such other facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

According to the revised petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$44,210,000 (\$27,560,000 for water, wastewater, and drainage facilities and \$16,650,000 for roads).

In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by Texas Water Code §54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land with the district.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this revised 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 Petitioner 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 revised 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 revised 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 revised 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 revised petition and will forward the revised 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: January 6, 2022

Exhibit "A"

METES & BOUNDS DESCRIPTION

BEING A 101.829 -ACRE TRACT OF LAND SITUATED IN THE PHILLIP ANDERSON SURVEY, ABSTRACT NO. 10, WITHIN THE ETJ OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AND PART OF A CALLED 62.822 ACRE TRACT OF LAND, AND ALL OF A CALLED 40.477 ACRE TRACT DESCRIBED TO HARRINGTON/TURNER ENTERPRISES, LP BY DEED RECORDED IN INSTRUMENT NUMBER 20081014001223870, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID 101.829 -ACRE TRACT, WITH BEARINGS BASED UPON THE DOCUMENT MENTIONED ABOVE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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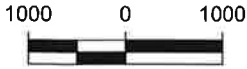
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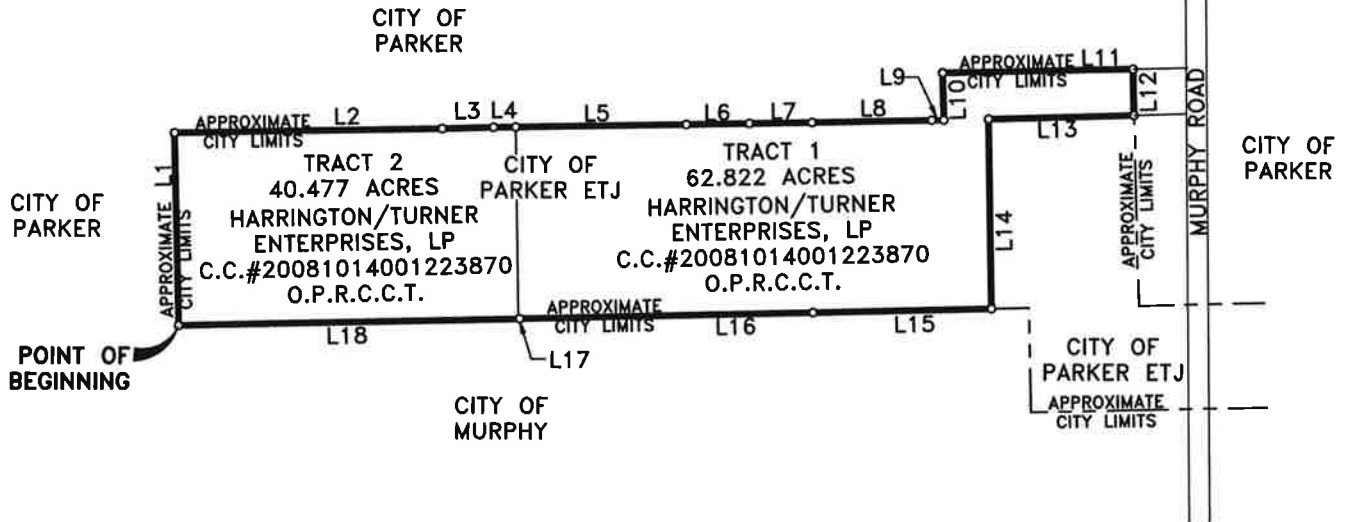
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THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Exhibit "B"



PHILLIP ANDERSON SURVEY
ABSTRACT NO. 10



LINE	BEARING	DISTANCE
L1	N01°29'40"W	1002.43'
L2	N88°57'12"E	1391.03'
L3	N88°22'14"E	263.27'
L4	N89°12'05"E	113.28'
L5	N89°02'10"E	888.35'
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L7	N88°52'29"E	326.37'
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L9	N88°36'08"E	63.33'
L10	N01°43'10"W	244.84'
L11	N88°41'07"E	992.61'
L12	S01°29'40"E	240.38'
L13	S88°20'46"W	756.92'
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L15	S88°36'46"W	921.90'
L16	S88°39'05"W	1525.36'
L17	S79°08'45"W	6.81'
L18	S88°45'42"W	1759.44'

LEGEND

CC# COUNTY CLERK FILE No.
O.P.R.C.C.T. OFFICIAL PROPERTY RECORDS,
COLLIN COUNTY, TEXAS

PAGE 2
OF 2

DATE:	02/22/2021
DRWN BY:	S.A.T.
CHKD BY:	M.J.B.
PROJ NO.	0133

EXHIBIT "A"
COLLIN COUNTY MUNICIPAL DISTRICT
No. 7 EXHIBIT
IN THE
PHILLIP ANDERSON SURVEY, ABSTRACT No. 10
COLLIN COUNTY, TEXAS

LJA Surveying, Inc.

6060 North Central Expressway
Suite 440

Dallas, Texas 75206

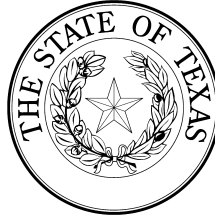
Phone 469.621.0710

T.B.P.E.L.S. Firm No. 10194465

Page 5 of 5



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**NOTICE OF DISTRICT PETITION
TCEQ Internal Control No. D-04122021-017**

PETITION. Restore the Grasslands LLC, a Texas Limited Liability Company ("RTG"), submitted a joinder petition to the revised petition filed by Harrington/Turner Enterprises L.P, a Texas Limited Partnership ("HTE"), for creation of Collin County Municipal Utility District No. 7 (District) with the Texas Commission on Environmental Quality (TCEQ). The petitions were 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 petitions state that: (1) RTG is the holder of title to the Property as shown by the Collin County Tax Rolls and conveyances of Record 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 101.829 acres located within Collin County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Parker, Texas.

The territory to be included in the proposed District is set forth in a metes and bounds description and is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petitions further state that the general nature of the work proposed to be done by the District, as contemplated at the present time, is to: (1) construct a water supply and distribution system for domestic purposes; (2) construct a sanitary sewer conveyance and treatment system; (3) control, abate, and amend the harmful excess of waters and the reclamation and drainage of overflowed lands within the proposed District; (4) construct and finance macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) construct, install, maintain, purchase, and operate such other facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

According to the revised petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$44,210,000 (\$27,560,000 for water, wastewater, and drainage facilities and \$16,650,000 for roads).

In accordance with Local Government Code §42.042 and Texas Water Code §54.016, HTE submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, HTE submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by Texas Water Code §54.016(c) expired and information provided indicates that the Petitioners and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code §54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to initiate proceedings to include the land with the district.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this revised 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 Petitioner 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 revised 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 joinder 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.

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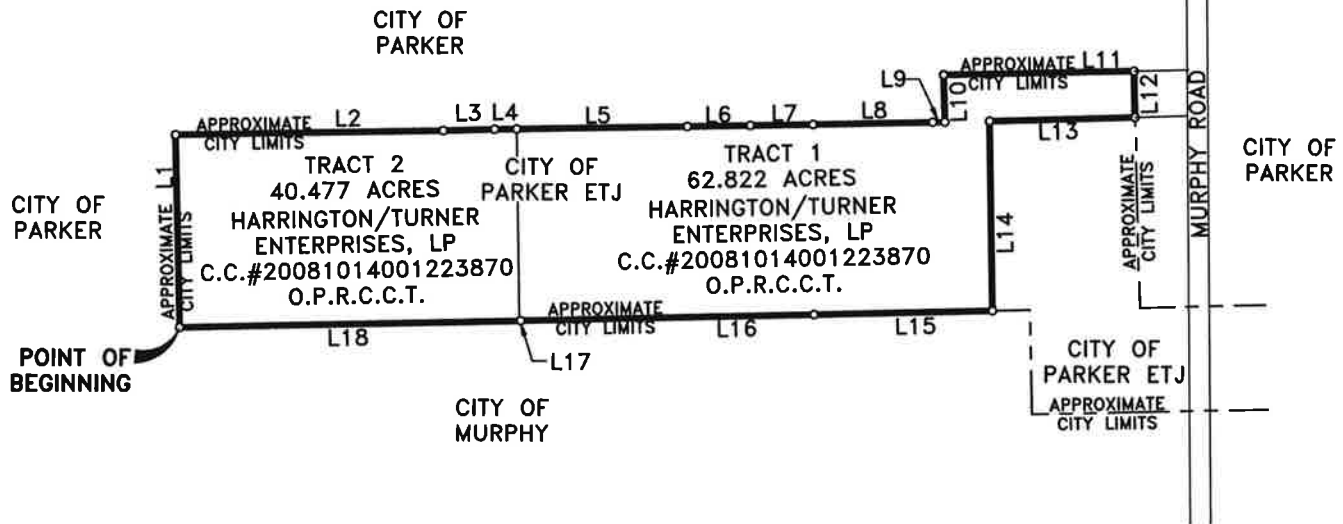
INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ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

Issued: May 23, 2024

Exhibit "A"



PHILLIP ANDERSON SURVEY
ABSTRACT NO. 10



LINE	BEARING	DISTANCE
L1	N01°29'40"W	1002.43'
L2	N88°57'12"E	1391.03'
L3	N88°22'14"E	263.27'
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L16	S88°39'05"W	1525.36'
L17	S79°08'45"W	6.81'
L18	S88°45'42"W	1759.44'

LEGEND

CC#
O.P.R.C.C.T.

COUNTY CLERK FILE No.
OFFICIAL PROPERTY RECORDS,
COLLIN COUNTY, TEXAS

**SOAH DOCKET NO. 582-23-01498
TCEQ DOCKET NO. 2022-0533-DIS
INTERNAL CONTROL NO. D-04122021-017**

APPLICATION FOR THE CREATION	§	BEFORE THE TEXAS COMMISSION
OF	§	ON
COLLIN COUNTY MUD NO. 7	§	ENVIRONMENTAL QUALITY

REPLY OF EMILY PLUMMER
TO APPLICANT’S RESPONSE TO HEARING REQUESTS

TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

I, Emily Plummer, file this Reply to the Response to Hearing Requests made by the alleged Applicant for Collin County MUD No. 7 (“CC MUD 7”), Restore the Grasslands, LLC (“RTG”) as follows:

I. Introduction and Background

The original petition for CC MUD 7 was made by Harrington/Turner Enterprises (“H/TE”) in March 2021. During the summer of 2023, the State Office of Administrative Hearings (SOAH) conducted a contested case hearing regarding that original application, presided over by Administrative Law Judge (“ALJ”) Rebecca Smith. In September 2023, the approximate 100 acres, for which the CC MUD 7 application was made, was sold to RTG. Consequent to said sale, the ALJ remanded the contested case to TCEQ due to the Applicant’s resultant lack of standing due to no longer being the owner of the land attached to the Application. Laying aside all questions of the validity of H/TE’s original CC MUD 7 Application — only for the purpose of clarity in this Reply (but without waiving or diminishing said questions of validity, which have

been enumerated at length and with clarity by fellow pro se protestant Lindy “Buddy” Pilgrim, et al.) — this document will deal specifically with the current alleged Applicant, RTG, and the Response filed by the same with TCEQ on April 28, 2025.

II. General Reply to RTG’s Response

TX Water Code 54.021 stipulates that a MUD Application may be granted if, after having met the requirements of Section 54.014 & 54.015, the commission determines “that the project is feasible and practicable and is necessary and would be a benefit to the land to be included in the district.” Even if the original applicant had met the conditions for 54.014 & 54.015 (evidence to the contrary withstanding), the current state of the Application does not meet the stipulations for a properly submitted Application for a MUD due to the Applicant not having been an owner, much less a majority owner, at the time the Application was submitted. Furthermore, the MUD would not be feasible, practicable, necessary, and/or beneficial (TX Water Code 54.021) for the following reasons:

1. The approximate 101 acres in question, which lie in the Extraterritorial Jurisdiction of Parker, TX, immediately abuts neighborhoods within the city limits of both Parker and Murphy, both of which have expressed interest to engage in negotiations for servicing the development in question; such an arrangement has been encouraged by the North Texas Municipal Water District (NTMWD), as well. In other words, the creation of a MUD is unnecessary.
2. The land tract in question is relatively small (around 101 acres), and a significant portion of it is contained within waterway, floodway, and/or floodplain.

Consequently, an even smaller section of the property is able to be developed

without substantially affecting elevation. (See TX Water Code 54.021(b)(3)(A).) Such a development would in no way be beneficial to the land.

3. The small size renders this development impracticable for a MUD. Most MUDs are created either where true lack of access exists — such as in rural areas, or where a master planned development is being created. The former situation does not apply, since this tract is a sliver of land between two cities with developed neighborhoods, and the latter does not apply due to the small size and lack of access — not a lack of access due to absence of development, but rather a lack of access due to being landlocked by prior development in the area. In such situations, developers should cooperate with the appropriate jurisdictions to find mutually agreeable solutions that comply with state, county, and local laws, codes, and regulations.
4. Maxwell Creek is known to flood. Consequently, adding additional runoff from the dramatic increase of impervious cover that would necessarily occur with the development of agricultural land into a housing development with enough density to feasibly justify the creation of a MUD would not be beneficial to the land. Even if rainwater mitigation were created (such as retention ponds), the land cannot sustain regular 100-year flood levels of discharge. Such an occurrence would have adverse effects on the land, on neighboring residents, on the quality of water from polluted runoff, and on wildlife flora/fauna.
5. As mentioned earlier, most of the property abuts existing developments in Parker & Murphy. Therefore, the only entrance/egress is a small portion of the property abutting Hogge Rd. Due to county regulations, the number of houses able to be

developed on the property with only a single entrance/egress would be much fewer than what was on the original application, making it impracticable to designate a MUD for such a relatively small number of houses. Any additional access points would need to be created outside the MUD through existing neighborhoods by changing residential and/or special-use plats into roads. Given the developer's unwillingness to work with the cities and neighbors, it is likely such any attempts at such action will likely be met with opposition. In other words, it would be neither practicable nor beneficial to approve the MUD application.

6. Since the submission of the original application four years ago, there have been dramatic changes in the economics of developments, not to mention developments in the feasibility of the development as originally proposed due to limited access points. Even if a new legal precedent were set, and the MUD Applicant's standing were deemed to be transferrable (an action which the protestants strongly oppose based on law and precedent), the length of time that has elapsed would seem to necessitate updates to the Application in order to accurately judge whether the creation of the MUD is even feasible on a fiscal level without unduly burdening future residents of the development with excessively high taxes. (See TX Water Code Section 54.021(b)(2).)

III. Particular Reply to RTG's Response

In her Response of April 28, 2025, Natalie Scott, attorney for RTG, has stated that "Requestors have not shown that they would be affected by the proposed District in a manner not common to members of the general public or have statutory authority over or an interest in

the issues relevant to the Application” (p. 6, par. 2), and then she goes on to list me specifically within that group. On the contrary, in my letter of July 10, 2024, I listed a number of reasons why the MUD would adversely affect my property, including concerns about rainwater and runoff. Although it is true that my property is more directly affected by the planned conversion of the residential lot (5710 Gregory Lane), also owned by RTG, into a road, my property would nonetheless be affected by the current boundaries of the MUD *per se*, which exclude said property since it is incorporated in Parker and platted as a residential lot. A significant portion of my property includes Maxwell Creek, which is the receptacle for floodwaters. The increase in runoff into the creek just downstream past my house would necessarily create a dangerous wall of water that would prevent the water from upstream, which normally flows through the creek and across my property after rains, from flowing at a normal rate. If the MUD were to regulate floodwater egress at a 100-year flood level, there would be devastating effects on my property. Moreover, the flood debris that already accumulates on my property along the creek after excessively heavy rains would increase dramatically given the increasing frequency of 100-year flood levels. As I am personally responsible for cleaning up said debris, it would create an onerous burden for me to have to frequently clean up flood debris that accumulates since the downstream flow rate will be so dramatically increased. For these forementioned reasons, CC MUD 7 would undoubtedly create a catastrophe for my property in terms of flooding, which is undoubtedly “a personal justiciable interest that is not common to members of the general public” (Applicants’ Response to Hearing Requests, p. 6, par. 2).

Nonetheless, in addition to the above mentioned primary concern regarding the effect that the MUD would have (given its current boundaries), the success of the MUD and the development hinge on access, and that access could be right past my house — indeed, across

my very own property since my property encompasses part of Gregory Lane — the dead-end, residential road which the developer has indicated he intends to use as an additional access point to the MUD. If the developer intends to utilize 5710 Gregory (as well as other access points onto Dublin Road and/or into Rollingwood), as has been indicated in prior interactions at the State Office of Administrative Hearings (SOAH), then concerns regarding the MUD's usage (or mis-usage) of those areas ought to be grounds for a contested case hearing regarding the formation of the MUD.

IV. Conclusion

In this Reply to the Response to Hearing Requests, I would humbly request that TCEQ and the Commissioners consider that my home would be directly impacted and threatened by the runoff from a proposed CC MUD 7, and I respectfully request that you grant my appeal for a contested case hearing. Moreover, I ask that, in deciding whether to grant a contested case hearing, the Commissioners consider whether it is appropriate to accept a transfer in standing from one Applicant to another without requiring a new application, and whether it is appropriate to set that type of precedent without judicial review.

Respectfully submitted this 12th day of May, 2025,

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INDIVIDUAL PROTESTANT, Pro Se

**SOAH DOCKET NO. 582-23-01498
TCEQ DOCKET NO. 2022-0533-DIS
INTERNAL CONTROL NO. D-04122021-017**

APPLICATION FOR CREATION	§	BEFORE THE COMMISSIONERS
OF COLLIN COUNTY	§	OF THE TEXAS COMMISSION
MUNICIPAL UTILITY DISTRICT NO. 7	§	ON ENVIRONMENTAL QUALITY

**REQUESTORS' REQUESTS FOR RELIEF
AND
REPLIES TO RESPONSES TO HEARING REQUESTS**

RE: Requests for a Contested Case Hearing regarding applications for creation of *Collin County Municipal Utility District No. 7*; TCEQ Docket 2022-0533-DIS, SOAH Docket 582-23-01498, Internal Control No. D-04122021-07; Petition by Harrington/Turner Enterprises, LP and "Joinder" Petition by Restore the Grasslands, LLC.

To: The Members of the Texas Commission on Environmental Quality ("Commissioners")

We, the persons listed on the signatory pages hereof do now join in this "Requestors' Requests For Relief And Replies To Responses To Hearing Requests" ("Request") with each of us being a person ("Requester" or plurally "Requestors") who timely filed a written request to the *Texas Commission On Environmental Quality* ("TCEQ" or the "Commission") by July 18, 2024, regarding a contested case hearing ("CCH") for the creation of *Collin County Municipal Utility District No. 7* ("CCMUD7" or the "District"). The names of *all* natural persons filing hearing requests in this matter are as follows:

Requesters previously admitted as affected persons: Don Wade Cloud, Jr., Katherine Harvey, Ray Hemmig, Laura Hernandez, Theodore Lane, Angelique Loncar, Andrew Malczewski, Carolyn Moebius, Lindy M. "Buddy" Pilgrim, Emily Plummer, and Stephanie Samuels.¹

Other Requesters Located Within Close Proximity to the Proposed District: Ashraf Aboulnaga, Lynnette Ammar, Calvin Arnold, Billy Barron, Robert Drese Bereuter, Bill Braswell, Linda Braswell, Hal E. Camp, Lance Caughfield, Susan Chen, Theresa Chen, Debbie Chisholm, John B Chisholm, Elizabeth Ann Cross, Jeffrey Neal Cross, Cynthia Daugherty, Timothy Daugherty, David Alberto de la Pena, Andrea L. Dennis, Keith and Carmen Dulaney, Obinna Emechebe, Linda Marie Fletcher, Michele Floyd, Bhasker Garlapati, Katherine Calabria Harvey, Alesha R. Haynes, Michael Shaun Haynes, Anthony R. Hernandez, Jani Jasadiredja, Miriam Jasadiredja, Chip Justice, Cyndy Lane, Brad Levy, Candy Levy, Linda G. Loop, Steve Loop, John M. Lund, Dianne Elizabeth Lundberg, Edwin D. Lundberg, Tom Marshall, Ann Stormer McCook, Zachary McCook, Michael G. McGraw, Pamela McGraw, Lay Wah Ooi, Lynne Anne Orozco, Kannan Palaniappan, Lee Pettie, Vicki B. Pilgrim, Heather Mae Powell, Lucy Jane Powell, Nettie Louise Powell, Bonnie C. Shea, Nathan

¹ Each of these previously admitted persons also lives within close proximity to the proposed district.

Shea, Dan Shoop and Jeffrey Dwight, Joseph A. Stack, Tracy Stack, James Stanford, and Gabriela Tourne.

Other Requestors Located Further from the Proposed District: Joseph Patrick Corbett, Mohannad Hashem, Brian Hollon, Javid Jabbarnezhad, David Thomas Johns, Randy S. Kercho, Sonja Louis, Laura Mawhinney, Daniel Maynes, Kathy Pressley, William Michael Pressley, James C. Reed, Jackie Rivas, Laura E. Stanford, Jennifer Vanderhorn, Loretta Walter, and Kevin Walsh.

I. Summary of Requests for Relief

- a. **Deny and Dismiss H/TE's Petition.** We respectfully request that the Commission **deny and dismiss with prejudice** the CCMUD7 **Petition** filed March 23, 2021 solely in the name of *Harrington/Turner Enterprises, LP* ("H/TE" or "Petitioner"). TCEQ docket 2022-0533-DIS ("0533-DIS") is uniquely with respect to H/TE's Petition.

At a minimum, H/TE's Petition:

1. was invalid at the time of its making because H/TE was not legally constituted to conduct the business of applying for a Municipal Utility District ("MUD") because it indisputably had no General Partner. The party signing the Petition as H/TE's General Partner, had its certificate of formation revoked nine years earlier and its GP status withdrawn, and
2. was further abandoned, voided, and rendered moot instantaneously, by operation of law, upon H/TE's undisputed sale of the subject "Property"² September 22, 2023, leaving no valid petition there for TCEQ to further legitimately consider.

- b. **Deny and Dismiss RTG's Joinder Petition to Join H/TE's CCMUD7 Petition.** We respectfully request that the Commission **deny and dismiss with prejudice** the so-called "**Joinder**" petition filed October 09, 2023 by *Restore the Grasslands, LLC* ("RTG" or "Applicant") whereby RTG seeks to:

1. join a [non-existent³] petitioner, H/TE, as applicant for CCMUD7 by "*join[ing] the Petition filed by H[/]TE*,"⁴ and
2. unconstitutionally assume the legal standing⁵ of H/TE in the pre-existing CCH. SOAH docket 582-23-01498 ("01498") is uniquely with respect H/TE's standing as petitioner.

At a minimum, the undisputed fact of H/TE's 09-22-23 land sale:

1. left no valid Petition for RTG to "join" 17 days later, 10-09-23, and

² The "Property" for the proposed MUD District would contain approximately 101.829 acres located within Collin County. It is located approximately four miles east of U.S. Highway 75 and 2 miles north of FM 54, between the City of Parker ("Parker") and the City of Murphy (Murphy"), and wholly within the Extra Territorial Jurisdiction ("ETJ") of Parker.

³ As of 9/22/23, H/TE had sold the subject "Property" which immediately disqualified H/TE as a MUD Petitioner, and automatically abandoned and invalidated the Petition, leaving nothing for RTG to join.

⁴ See, *Joinder Petition for the Creation of Collin County Municipal Utility District No. 7*, filed with TCEQ, wherein RTG declares in Article XI that it "...joins in the original Petition For Creation filed by H[/]TE...".

⁵ See, Pilgrim Motion to Dismiss, filed of record 01-24-2024 in SOAH Docket 582-23-01498, for a full briefing of the Constitutional requirements, including legal authorities, for "standing" to exist in any litigation.

2. left no petitioner status for RTG to assume from H/TE (if it had ever been valid, which it had not).
 3. caused H/TE's petition to become void automatically by operation of law once it was no longer "...signed by a majority in value of the holders of title of the land..." as required by TWC § 54.014. There is no provision in TWC whereby a MUD petition can **remain** valid or suspended for any period after the landowner/petitioner sells the land.
- c. **Affirm that the concept of a "Joinder Petition" is invalid and nonexistent.** We respectfully request that the Commission acknowledge that Texas Water Code, which regulates MUD applications, makes literally no provision for any such thing as a so-called "Joinder Petition" as was dreamed up by RTG. Also, TCEQ MUD creation rules contemplate no such filing. The concept was fabricated out of whole cloth by RTG and has no precedence in law or fact. There are no provisions in law or in TCEQ application procedures for "assuming" the MUD application information, filings, or status of another party.

It is noteworthy that in RTG's *Applicants' Response to Hearing Requests* submitted to TCEQ April 28, 2025, RTG repeatedly seeks to disqualify 100% of the Requestors as affected parties based on various alleged failures to comply with every technical minutia of procedural requirements of the Tex. Admin. Code or Tex. Water Code. Yet in contrast, RTG seeks to exempt itself from similar adherence to the most foundational requirements of procedure and law. There exists no legal precedence for a "Joinder" petition for a MUD. "Joinder" is a legal term used in civil procedures to join two parties in a single action. H/TE no longer exists as a valid petitioner and therefore cannot be "joined" in the abandoned MUD petition by RTG. Nor can RTG assume or be substituted in standing in the legal case that was before SOAH (SOAH 01498). Standing in litigation cannot be transferred between parties.

If at any point during the MUD application process, the signatories to the application/petition are no longer holders of title to a majority in value of the land within the proposed district, then at that instance the application/petition no longer meets the black letter law requirements of TWC§ 54.014 and therefore it has become moot and void. There is no legal, procedural manner in which a wholly unrelated and different party (e.g., RTG) can "*step into the shoes*" (not a legal term)⁶ of the former petitioner (H/TE).

The 10-12-23 *Amended Motion for Withdrawal and Notice of Appearance* filed by Natalie Scott (counsel for H/TE and RTG) is a useful document to examine because it states: "[H/TE] no longer has any right, title, or interest that is the subject of this matter relating to the creation of [CCMUD7]... [and] Because H[/]TE no longer ones (sic) the Property, it is not a proper party to the [CCH]. That Motion admits within the four corners of the document that (i) H/TE's sole reason for having any right, title, or interest in the subject matter of creation of CCMUD7 was its ownership of the Property, and (ii) its "interest" stake in the creation of CCMUD7 no longer exists BECAUSE H/TE no longer owns the property. If no longer owning the property is admittedly what caused H/TE to cease having any interest relating to the creation of CCMUD7 and to no longer remain a party to a CCH to defend such interest, then

⁶ "Step into the shoes" is a sleight of hand characterization used by RTG's Natalie Scott in her Notice of sale

it becomes obvious that that motion is a de facto admission that H/TE's status as Petitioner for CCMUD7 legitimately ended precisely when H/TE's ownership ended (September 22, 2023). If H/TE's status as the *SOLE* petitioner in CCMUD7 (TCEQ 0533-DIS) ended on September 22, 2023, then by definition the Petition terminated at that same moment and cannot be "joined" by RTG 17 days later on October 09, 2023, or 19 months later in May 2025. H/TE's Petition terminated and RTG's so-called Joinder petition is invalid.

- d. **Require RTG, instead, to apply *de novo* for a MUD.** We respectfully request that the Commission require that RTG, or any future owner of the majority in value of the Property, apply *de novo* for a petition for the creation of a MUD. **None** of the facts, plans, ownership, developer information, financials, engineering study, market study, water runoff rates, sources of utilities, tax rates, or virtually any other application information submitted March 23, 2021 with H/TE's Petition or alleged to have been adopted October 09, 2023 by RTG's so-called joinder petition remains valid, updated or accurate to any substantial degree. In fact, the RTG so-called Joinder contained literally no new or updated application information, even though it was presented as a "Petition" itself and it was proposed as joining a petition that was outdated by over 2 ½ years. TWC requires all Petitions include the required information and makes no provision for exception, not even an alleged "joinder" petition. There is also no provision to adopt 2 ½ year old information, which is now four years old.

The new landowner, RTG, cannot be denied the right to apply for creation of a MUD for the Property and these Requestors do not seek denial of that right under law. However, as a wholly new owner of the land having held no ownership or interest in *any* portion of the Property at any point in time during which H/TE was its owner, RTG *must* begin the entire Petition process *de novo*.

No part of H/TE's petition transferred automatically to RTG upon sale of the land from H/TE to RTG and no party has claimed any such automatic transfer. To the contrary, RTG's submission to TCEQ of a so-called Joinder petition October 09, 2023 is undeniable evidence that even RTG knew there was no automatic transfer; otherwise, the Joinder would not have been sought.

Texas Water Code ("TWC") § 54.014 requires that a MUD "*petition shall be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district.*" At the instance H/TE sold the Property (09-22-2023), the March 23, 2021 Petition, which H/TE had made to TCEQ for CCMUD7, no longer bore a signature of an owner of any land within the proposed district, because H/TE was no longer an owner and the new owner's signature was not on any petition as of 09-22-2023. This irreversibly renders the March 23, 2021 H/TE petition void and invalid for any party to "join." Once H/TE was no longer a valid petitioner (because it did not own the land), RTG could not "join" H/TE as a Petitioner because there was (and is) no petitioning party or valid petition to "join." **TCEQ's only legitimate course of action for RTG is to require RTG to begin the MUD petition process *de novo*.**

Only a *de novo* application by RTG will provide for constitutionally required due process for all potentially affected parties. Furthermore, RTG cannot now credibly assert that it will be disadvantaged or harmed by a *de novo* MUD petition because it could have:

1. closed on its purchase of the Property in March of 2021 and filed the original MUD application in its own name at that time, or
2. filled a complete, accurate, and updated *de novo* MUD application September 22, 2023, immediately after closing on its purchase of the Property, which by now would have completed a normal MUD application review process.

All delays of a *de novo* application now are of RTG's own making, because RTG chose of its own volition not to exercise those options earlier.

II. Summary of Requests for Relief, *In the Alternative*

Reserving all rights, requests, and arguments set forth above, forfeiting none, and agreeing hereby not to any other course of action, if, in the alternative, the Commission chooses to not deny the H/TE and RTG petitions and to not require RTG to apply *de novo* for the desired MUD, we respectfully request the following:

- a. **Grant a CCH by SOAH, but only a *de novo* CCH.** We respectfully request that any CCH on the RTG so-called Joinder petition not be one that is a continuation of the previous SOAH Docket 582-23-01498. Instead, the **CCH must be a *de novo* hearing** from scratch, not a continuation in any manner of any part of the previous CCH, which was by law and by fact a hearing solely regarding a petition filed exclusively by H/TE, and no other party.

At a minimum, RTG cannot assume the "standing" of H/TE in the SOAH 01498 litigation.⁷ Standing in litigation is a matter of constitutional requirements, and

1. standing must exist when an action is filed, and RTG had no prior standing in SOAH 01498,
2. standing cannot be acquired after filing, and SOAH 01498 was filed in 2022,
3. standing must exist at every stage of the proceedings and it is indisputable that it did not heretofore exist for RTG in any CCH and certainly not in SOAH 01498,
4. standing cannot be transferred from one party to another, therefore H/TE cannot transfer its standing in SOAH 01498 to RTG, and
5. RTG cannot "join" H/TE in SOAH 01498 because RTG was not a co-petitioner with H/TE.

In the Response of the ED in this instant CCH Request, at footnote 1, pg. 2, the ED left a wholly false *impression* that a motion for H/TE to withdraw and transfer Petitioner status to RTG was denied, amended, and then approved by SOAH. That is false. The motion was denied for procedural reasons and then amended, but the amendment was for naught, because even the amended motion was NEVER approved by the ALJ. The ED seems to intentionally leave the impression that the 10-12-2023 *Amended Motion for Withdrawal and Notice of*

⁷ See, Pilgrim MTD filed 01-24-2024 in SOAH Docket 5842-22-01498, regarding RTG's lack of constitutional standing for that CCH. This MTD contains case law and extensive facts regarding RTG's lack of standing, which would require a *de novo* CCH for it. RTG was never a party to that CCH, nor was H/TE ever removed as a Party; although H/TE sought removal because it no longer had an interest to defend,.

Appearance succeeded. It did not. The ALJ never approved *any* substitution of RTG for H/TE in SOAH 01498. That said, H/TE is the only applicant who is a party to the SOAH 01498. If H/TE is removed from the case, *as it should be through case dismissal because it no longer has an ownership-based interest to defend*, no other party (namely RTG) can “join” H/TE in SOAH 01498 CCH.

- b. Continue SOAH 01498 CCH, but order that all discovery be *de novo*.** While disagreeing with the legal premise for any action which continues H/TE’s CCH (SOAH 01498) and reserving all our rights and requests for relief which seek only a *de novo* CCH, if, in the alternative, the Commission orders the existing SOAH Docket 01498 to be continued but with RTG to be considered for admission as a party, we respectfully request that **all discovery** be ordered by the Commission to begin ***de novo*** because:
1. RTG has not heretofore been a party and has not been subject to the discovery scrutiny applied to H/TE as Petitioner,
 2. RTG now has completely different plans for the Property that must be included in the MUD application and or revealed in accurate detail to the community,⁸
 3. Discovery produced by H/TE is outdated and woefully inadequate with respect to RTG and its owners,
 4. There are many new affected persons who will be admitted to a new CCH and who are due their own due-process of discovery.
 5. We have copies of deed filings with Collin County showing transfers of ownership of the land as recent as April 2025,
 6. We have copies of liens filed against the Property in the amount of \$6,750,000 which were filed in 2023 but have never been reported as required by a MUD applicant, and
 7. New stormwater runoff plans were developed in 2023 which propose major changes in the direction of most of the runoff, a large portion of which is proposed to be directed to Dublin Creek which is prone to flooding, has washed out the road in the past, is a critical north-south route for fire, police and EMT services, and creates an entirely new group of affected parties,
 8. Of other factors not yet known.

III. Summary of Additional Requests for Relief, *In the Alternative*.

If the Commission overlooks the facts and law regarding the invalid nature of what RTG seeks, fails to dismiss and deny the application of RTG, does not order RTG to commence *de novo* its petition process, and grants a CCH of any kind, these Requestors do not waive or forfeit any part or our rights and claims to any of our arguments, authorities, or facts stated herein or in any of our previous filings, and do specifically reserve all of the same. And we further reserve our rights to appeal in

⁸ RTG has publicly announced and discussed numerous options for development outside of those which were part of confidential mediation discussions with Parker and not to be disclosed. Options discussed and released through RTG’s printed publicity and authorized public presentations include: (i) one million square feet of warehouses, (ii) a 650-unit apartment complex, (iii) warehouses and apartments combined, (iv) 255 single family homes in various configurations and developed by a completely new development partner, and (v) sale of the land to a new owner for other undetermined uses.

District Court any decision made by the Commission or by any SOAH court. Failure of TCEQ and/or any SOAH proceeding to (i) recognize the illegitimacy of H/TE's Petition (due to having no GP), and (ii) deny and dismiss RTG's so-called Joinder petition, will inevitably result in a material waste of the time and resources of the taxpayers of the State of Texas, TCEQ, SOAH, all Requesters, and RTG because of the appellate process such failures will inevitably trigger with respect to reversible errors.

With that said, should TCEQ proceed in referring RTG's Joinder petition to any CCH within SOAH, these Requestors respectfully ask the Commission to consider the following:

- a. **Grant the CCH requests of ALL timely Requestors.** We specifically request that all Requestors, without exception, identified herein as having timely filed a request for a CCH be granted their request and be admitted to any Commission-ordered SOAH CCH proceedings. In support of that position, we now incorporate herein by reference all of Section III, subsections A. and B. of the OFFICE OF PUBLIC INTEREST COUNSEL'S ["OPIC"] SECOND RESPONSE TO HEARING REQUESTS ("OPIC's Response") as submitted to the Commission, April 28, 2025. Sections A and B of OPIC's Response set forth law, reason, and rationale for finding as affected persons all timely requestors who were (i) already granted party status or (ii) identified in OPIC's Response as being "Requestors Located in Close Proximity to the District's Boundaries."

The close proximity Requesters are those whose property is located generally within one mile or less from the proposed District's boundaries. In the EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS ("ED's Response"), the TCEQ ED recommended that many of those in OPIC's close proximity group have their CCH request denied because, in its opinion, those persons "failed to substantially comply with the procedural requirements of TAC 30 Chapter 55 Subchapter G."⁹ We respectfully disagree with the ED's Response which fails to consider that the close proximity of the property of each such person impacts them in ways that are not common to the general public—even if the inexperience of the Responder in making such requests led to them to fail to fully articulate with specificity the non-common impact. The ED, like RTG, seeks unjustly to hold citizen Requesters (not represented by counsel) to the letter of the law and TCEQ procedures for qualifying to have their CCH Requests granted, but has not even questioned H/TE's or RTG's numerous and serious filing deficiencies, material misrepresentations, unprecedented concepts such as joinder petitions, transfers of standing, application inaccuracies, and failures to be legally formed to conduct business. All such deficiencies are carried out by H/TE and RTG who are represented by experienced counsel, which should cause them to be held to higher standard, not a lesser one. TCEQ must not follow this path and leave justice in the dust of favoritism for developers.

- b. **Grant the CCH Requests of all close proximity persons.** At a minimum, refer all close proximity persons who were recommended for denial by the ED, to the SOAH court

⁹ See, ED's Response at pg. 6, Section V. C. 1. which does not identify by name those recommended for exclusion from affected person status but instead identifies them only by their exclusion from its list (in Section VI.) of those whose CCH request should be granted as affected persons.

proceeding so that the person may make their case to the SOAH Judge as to the potential impact of the proposed district on them and their property.¹⁰ As previously mentioned, late-revealed plans by H/TE, apparently to be adopted by RTG, redirect

- c. **Grant the CCH Requests of all persons impacted by Dublin Creek.** Certain persons who may or may not be in close proximity to the proposed District but who own property which either abuts *or is impacted by* Dublin Creek should have their CCH requests granted because of the unique negative impact the District's development could reasonably have on their property, life, health, and safety. Dublin Creek is a small tributary which runs generally north-south just a few hundred yards west of the proposed District. It is adjacent to, cuts across, or runs nearby many of the Requestor's properties. It also cuts across Dublin Road (a critical north-south roadway in Parker), and it is already subject to flooding before adding any other storm drainage runoff. As previously mentioned, late in the SOAH 01498 pre-hearing period it was discovered that H/TE planned to divert approximately one-third of the stormwater runoff from the District into Dublin Creek. Dublin Creek and the passage for it underneath Dublin Road are incapable of handling substantial additional stormwater runoff. In recent years the creek has already completely washed away the roadway leaving a 60' by 10' by 8' deep impassable gap in Dublin Road, blocking all fire, police, EMT and other traffic from passing for weeks until repair was completed.¹¹ Dublin Creek flooded multiple properties and backed up water in Cottonwood Creek. The newly proposed drainage plan uniquely threatens the property, life, health, and safety of the following Requestors whose property abuts or is impacted by flood waters of Dublin Creek:

Bill Braswell, Linda Braswell, Debbie Chisholm, John B Chisholm, Ann Stormer McCook, Zachary McCook, Lee and Keith Pettie, Bonnie C. Shea, and Nathan Shea all own property through which Dublin Creek runs, directly abuts, or must be crossed on private to roads to access. They are all in very close proximity to the proposed district Property and to Dublin Road as well. Most live on or are set back from Dublin Road. For some, stormwater runoff from the District Property would directly cross their land and threaten their property, life, health, and safety. For all, they would be threatened by flooding all along Dublin Creek and Dublin Road.

Susan Chen, Theresa Chen, Andrea L. Dennis, Michele Floyd, Ray Hemmig, Cyndy Lane, Theodore Lane, John M. Lund, Lindy M. "Buddy" Pilgrim, Vicki B. Pilgrim live in close proximity to the District Property, to Dublin Road, and to Dublin Creek. Randy Kercho lives slightly further (only 1.10 mi.) from the district but accesses his property via Dublin Road. Each of these persons would have their property, life, health, and safety materially threatened if

¹⁰ As noted in FN 1, at pg. 12, of OPIC's Response, "Under 30 TAC § 55.255(d), a decision on a hearing request is an interlocutory decision on the validity of the request and is not binding on the issue of designation of parties under 30 TAC § 80.109, relating to designation of parties. A person whose hearing request is denied may still seek to be admitted as a party under § 80.109 if any hearing request is granted. Failure to seek party status is deemed withdrawal of a person's hearing request. No Requester has yet failed to seek party status.

¹¹ See, photos attached hereto of Dublin Creek flooding and Dublin Road washed out and impassable.

Dublin Creek were to flood again and/or wash out the road. Fire, police, or EMT services would take materially longer to reach their homes if another, much longer route had to be taken due to flooding of Dublin Creek or damage to Dublin Road. It is the only access road to their properties.

All of the above-listed persons should have their CCH requests granted and be admitted as affected parties regardless of whether they properly articulated how they would be impacted in ways that are not common to the general public. The ED and RTG did not properly consider their situation.

- d. **Grant the CCH Requests of all persons who do not live in close proximity.** Those who are identified in OPIC's Response as not living in close proximity of the district still do travel through or do business in the area affected by the proposed District and/or have family members who will be affected by the development of the proposed District. For those reasons their CCH requests should be granted and the SOAH Judge should consider each of their particular circumstances for potential admission as an affected party, if the CCH is granted.

IV. Additional Detailed Information and Background.

The legal and factual abnormalities and defects of the Petition, the proposed MUD, and the undefined development constitute such extraordinary and significant departures from law and normal regulatory procedures that the situation *demands* additional commentary and facts be provided for the Commission's full and thorough consideration *before* any disposition of Petitions is carried out. This case is substantially more complex than most MUD applications and the H/TE Petition and RTG so-called Joinder petition are replete with more problems than time allows us to discuss. This response provides just a few such critical facts, which we respectfully submit for the Commission's consideration.

The SOAH Order which remanded this Matter to the Commission was clear *only* in that the Contested Case being remanded from SOAH is 582-23-01498 (TCEQ 2022-0533-DIS). The Order was silent as to any specific rationale or basis for the additional notice in the Case. The Order was also wholly unclear as to what information should or may be included in the so-called additional notice. Requestors have a good faith belief that the additional notice was incomplete and invalid in that it attempted only to reveal to the general public that there was a new landowner, RTG, who wanted to replace H/TE in its Petition. Prior to the case being remanded to TCEQ, H/TE had submitted massive new engineering changes which should constitute a major amendment in and of themselves, requiring re-notice. None of the new engineering information was noticed in the re-notice, only the ownership change was mentioned. We believe this was a flaw in re notice that is being perpetuated even now.

In the Applicant's Response (at p.1) it states inaccurately, that the ALJ remanded the matter to TCEQ "for additional notice to provide by the Applicant, relating to the ownership of the property." But that is false. The ALJ simply remanded it to TCEQ "for additional notice" and provide no specificity as to what that meant. Protestants at the time were requesting dismissal, or in the alternative

additional notice on all of the proposed major amendments and changes. All protestants and the general public have been harmed by such incomplete additional notice and by the Applicant's false characterization to the Commission that additional notice only was with respect to ownership. **This error can be corrected only by the Commission by denying the Petitions and requiring RTG to apply de novo with complete and accurate information.**

Before addressing the issue of an unconstitutional transfer of standing in the Case, there are preliminary issues of law which invalidate the Petition underlying the Case. These matters will be addressed first, as they, in and of themselves, require the TCEQ (i) deny and dismiss all Petitions for CCMUD7, and (ii) dismiss the instant CCH SOAH 01498. Each of the following supporting facts are undisputed:

a. The Petitioner, H/TE, was not legally formed and was legally unable to conduct business in Texas (including serving as a MUD Petitioner) at the time the Petition was filed with TCEQ; therefore, the Petition was defective, invalid, and moot by operation of law from the outset.

i. The sole Petitioner for CCMUD7 in this Case is H/TE.

SOAH 01498 CCH deals exclusively with a Petition for CCMUD7 which was filed **solely** in the name of H/TE, which identifies itself therein as a Texas limited partnership ("LP"). The Petition bore one notarized signature, that being for Margaret E. Turner, Manager, of HTEM, which was identified as a Texas limited liability company ("LLC"), and further identified therein as the "general partner" ("GP") of H/TE.¹²

ii. **The Petitioner to Parker for consent for creation of CCMUD7 was also H/TE.**

The Petition to TCEQ was accompanied by a **prerequisite** petition, signed and dated July 24, 2020, seeking consent of the City of Parker, Texas ("Parker") for creation of CCMUD7. It bore the notarized signature of Margaret E. Turner, Manager, on behalf of H/TE. A petition, signed and dated March 18, 2020, to Parker for water service and sewer service, also accompanied the Petition to TCEQ and likewise bore a notarized signature of Margaret E. Turner, Manager, of H/TE.¹³

iii. **The only entity ever identified as the GP of H/TE was HTEM.**

According to H/TE's filing history with the Texas Secretary of State ("TSOS"), H/TE was formed in Texas October 09, 2008, as an LP. The *only* entity or person ever identified as being H/TE's GP in any document of record, from the time of H/TE's formation to the present, was HTEM. No other entity has alleged to have ever been substituted as H/TE's GP, and the Petition in question identifies *only* HTEM as the GP.

¹² See, as Exhibit hereto, H/TE March 18, 2021, Application for CCMUD7.

¹³ Each petition to Parker also included Gregory Lane, LLC ("Gregory LN") as a co-petitioner; however, Gregory LN owned no land contained within the proposed district, making H/TE the sole Petitioner owning land within the proposed district and making Gregory LN a meaningless, improper and invalid co-petitioner to Parker.

- iv. **HTEM had ceased, by operation of law, to be H/TE's GP, due to HTEM's involuntary forfeiture by the TSOS of its Certificate/Charter.**

According to HTEM's TSOS filing history, HTEM had its Texas Certificate/Charter, and right to conduct business, involuntarily forfeited February 10, 2012, by the TSOS pursuant to Section 171.309 of the Texas Tax Code. Texas Business Organizations Code ("TBOC") § 153.1559(a)(10)(B) specifies that a person automatically, by operation of law "*ceases to be a general partner*" upon an "*event of withdrawal*" including "*termination or revocation of the certificate of formation*" of an entity "*that is a general partner*" and the expiration of 90 days without reinstatement.¹⁴

- v. **HTEM's certificate/charter and right to conduct business was reinstated only once, almost ten years later, on December 10, 2021, well AFTER the Petitions were filed.**

Because HTEM's certificate was forfeited February 10, 2012, and not reinstated until December 10, 2021, H/TE, by operation of law, had no GP at the time its Petitions were filed with TCEQ and Parker. As will be hereinafter described, HTEM has never been properly reinstated as H/TE's GP, even after the December 2021 reinstatement of HTEM's Certificate/Charter.

- vi. **Texas statute requires all limited partnerships to have at least one GP to be legally formed and existing for the conduct of business in Texas.**

All Texas LP's are governed by the TBOC title 4, chapters 151 and 153, and by title 1, chapter 3, subchapter A which governs the "Formation" and "Existence" of a Texas LP and sets forth provisions required to qualify as a legally formed and existing Texas LP.¹⁵ Texas law requires a minimum of one GP in order to be legally formed and exist for the conduct of business. The GP must be an individual or another "**legal entity**" (emphasis added).

- vii. **Since H/TE had no GP, it was not legally formed and existing as a Texas LP at the time the Petitions to TCEQ and Parker were filed in its name.**

¹⁴ TBOC § 153.1559(a)(10)(B) specifically states: "*WITHDRAWAL OF GENERAL PARTNER. (a) A person [automatically, as a matter of operation of law] ceases to be a general partner of a limited partnership on the occurrence of one or more of the following events of withdrawal: 10)(B) termination or revocation of the certificate of formation or its equivalent of an entity, other than a nonfiling entity or a foreign nonfiling entity, that is a general partner and the expiration of 90 days after the date of notice to the entity of termination or revocation without a reinstatement of its certificate of formation or its equivalent[.]*" (Underscore emphasis added. All Caps not added.)

¹⁵ See, Form 207 "Texas Certificate of Formation, Limited Partnership" which governs and implements TBOC as cited and makes clear that the "*Governing Authority*" of a Texas LP resides only with its GP(s), as does general liability, and affirms that limited partners "*do not*" have the obligations of general partners under Texas law. Accordingly, **Form 207, Article 3** expressly states, "a minimum of one general partner is required." (Underscore emphasis NOT added.) TX BOC is clear, to be legally formed and exist for conduct of business in Texas, an LP **must** have a minimum of one GP, which must be an individual or another "**legal entity**" (bold emphasis added).

Petitioning for formation of a political subdivision of the State of Texas (i.e., CCMUD7) constitutes engagement in a business activity and must be conducted by a natural person or a legally existing entity. H/TE had no GP at the time of filing the Petitions in July 2020 and March 2021 and therefore was not a legally formed and existing entity authorized to conduct the business activity of filing such Petitions for CCMUD7. This makes the Petition which was the subject of the CCH, and which has been remanded to TCEQ, invalid and moot from the outset of its filing.

b. Neither the Petitioner (H/TE), TCEQ, ED, SOAH, nor the ALJ, may override the Texas Legislature and the TBOC, so as to confer legal status upon or grant authority to conduct business to an LP which has no GP.

i. The ALJ erred in her February 6, 2024, Order ignoring H/TE's lack of legal status.

Pro se Protestant Pilgrim argued in his January 23, 2024, *Pilgrim Motion to Dismiss For Lack of Jurisdiction And Lack Of Standing* ("Pilgrim's MTD") in this Contested Case, the aforementioned factual matters and law regarding H/TE not being legally formed and existing for filing the Petition, along with other contested issues of H/TE's lack of standing, and other matters. On February 6, 2024 the ALJ errantly denied Pilgrim's MTD in whole, without actually addressing the specific argument and facts of H/TE's lack of legal status and lack of GP due to automatic withdrawal of HTEM in February 2012. The ALJ solely addressed Pilgrim's other argument that H/TE was never a true party in interest, stating in total, with respect to the whole of Pilgrim's allegations:

*"Similarly, Protestant Pilgrim's arguments about H/TE's status at the time of the application and his assertion that H/TE was never a true party in interest because its intent was to sell do not show that dismissal is appropriate under SOAH's rules. H/TE was the owner of the property at the time the petition was filed and was the appropriate party to file that petition. (ALJ Footnote 7: As the owner of the property, H/TE was the necessary party for a MUD application. Tex. Water Code § 54.014. It accordingly had standing and did not need to show any other kind of particularized injury or interest.)"*¹⁶

But Pilgrim never argued in his MTD that H/TE was not owner of the property at the time the Petition was filed, or that the landowner is not the required and the proper party for filing a MUD petition. Pilgrim's argument was and remains that H/TE did not have the requisite status as a legally formed and existing Texas LP at the time, to engage in the business activity of petitioning TCEQ and Parker for CCMUD7. H/TE could and should have cured its defective condition of being without a GP and then have filed its Petitions—but it did not do so, and therefore, had no right to be a Petitioner, and neither the ALJ or TCEQ has authority to exempt H/TE from TBOC requirements which are enacted by the state legislature and signed by the Governor.

ii. The Commission should not likewise err by granting a CCH but should instead deny the Permit and dismiss the Case.

¹⁶ See, ALJ February 06, 2024 Order Denying Motions to Dismiss, at p. 4.

As stated, neither TCEQ nor SOAH have authority to override TBOC and grant H/TE an exemption from its legal requirements to have a GP in order to conduct the business activity of filing a petition for a political subdivision of Texas.

c. The Signatory on the Petition was EXPRESSLY that of HTEM.

i. The Petition was not signed by a GP or agent of H/TE.

The Petition was executed by and expressly in the capacity of the Manager of HTEM, falsely identified as the GP of H/TE. However, not only was HTEM not legally organized and authorized to conduct business in Texas due to its 2012 Certificate/Charter forfeiture, HTEM did not exist as the GP of H/TE at the time it signed the Petition expressly and falsely in that capacity. Therefore, the signature on the Petition is **null and void**, being expressly for and on behalf of an entity that was (i) not legally formed and existing, and (ii) literally no longer the GP of H/TE by operation of law, according to TBOC § 153.1559(a) (10)(B), as previously quoted. The Petition of H/TE is therefore invalid and moot.

ii. The Certificate/Charter of HTEM was not reinstated until December 10, 2021, and it was not a retroactive reinstatement.

HTEM did not even apply to have its Certificate/Charter reinstated until December 10, 2021; therefore, it did NOT meet the statutory requirements of TBOC Title 1, Ch. 11, Sub ch. F, Sec. 11.253 (d) for retroactive reinstatement, which state: *"If a filing entity is reinstated before the third anniversary of the date of its involuntary termination, the entity is considered to have continued in existence without interruption from the date of termination."* Otherwise, the reinstatement occurs with a gap in existence of the entity. HTEM's reinstatement was not within three years; instead, leaving more than a nine-year gap in HTEM's legal existence, from February 2012 to December 2021, and the same gap in H/TE's existence as a valid, legal, Texas LP.

iii. The reinstatement of HTEM's certificate/charter did not automatically restore HTEM as the GP of H/TE.

TBOC § 153.051(a)(1) and (2) respectively require that a GP of an LP file a certificate of amendment not later than the 30th day following: (1) admission of a new GP; and (2) withdrawal of a GP. No such amendment was ever filed (See, PIL MTD EX. 1, at p. 4) for admission of any new GP, for the withdrawal of HTEM as GP (after the February 10, 2012 forfeiture), or for HTEM to be reinstated as GP (after HTEM's Certificate/Charter was reinstated). Therefore, that leaves H/TE in violation of TBOC § 153.051(a)(1) and (2) to this very date, having never filed the required amendments with the TSOS regarding HTEM's withdrawal, or for HTEM to return as GP of H/TE, and it leaves H/TE as an LP with no GP, making it not legally formed or existing to this date.

d. H/TE failed to provide proof of corporate authorization for filing its Petition.

- i. **The certificate of company resolutions accompanying H/TE's Petition for CCMUD7 was NOT an authorization for H/TE to file the Petition, but rather for HTEM to file it. At that time HTEM was an unrelated party to H/TE and no longer GP of H/TE.**

One of the requirements for submission of a petition for a MUD filed by a partnership is that the petitioner **must** include a copy of corporate authorizations authorizing the petition. Included with the Petition submitted under H/TE's name was a so-called "*Certificated of Corporate Resolutions*" entitled "*Unanimous Consent of Members of HTEM*" allegedly authorizing the Petition/Application for CCMUD7. However, these authorizations (Applicant's EX. 8-9) are riddled with errors including identifying the wrong authorizing party.¹⁷ Since no valid corporate authorizing documents were submitted with the Petition, or since, there is no valid Petition under the name of H/TE and H/TE has no standing in the Petition or in this Case.

e. Section Summary

H/TE was not legally formed and could not conduct business in Texas from February 10, 2012 to December 10, 2021. Therefore, it did not qualify to serve as Petitioner when the Petition was filed with TCEQ. H/TE's former GP, HTEM, had forfeited its Certificate/Charter February 10, 2012, and had automatically, by operation of law, been withdrawn as the GP of H/TE. No actions have ever been taken to cure this defect and restore HTEM as GP. H/TE falsely represented on the Petition that HTEM was its then-current GP and executed the Petition under that exclusive representation.

¹⁷ See, **PIL MTD EX. 4** containing portions of the March 18, 2021 Application/Petition to TCEQ for Creation of CCMUD7 submitted March 26, 2021 by Coats-Rose in the name of and on behalf of H/TE, at p. 1 cover letter, referencing document group 3, "*Certificate of Corporate Resolution and Unanimous Consent*", further titled (i) "*Unanimous Consent of Members of Turner/Harrington Enterprises Management, LLC*" and (ii) "*Certificate of Company Resolutions (Creation of Collin County Municipal Utility District No. 7)*". These two corporate documents (also provided to the Court as Applicant EX. 8-9), submitted to TCEQ as part of H/TE's Petition for CCMUD7, identify "*Turner/Harrington (sic) Enterprises Management, LLC*" as the "*Company*". Notwithstanding the fact that the first document contains a transposition error in the name of HTEM, calling it "*Turner/Harrington...*", instead of the apparently intended "*Harrington/Turner...*"; there are other problems in that the corporate authorization documents **do not authorize H/TE to take any actions**. The unanimous consent document instead authorizes and alleges that "*the **Company** [HTEM] **desires to create [CCMUD7] and incorporate into the District that certain approximately 101.829-acre tract of land owned by the **Company** [HTEM].***" (Bold emphasis added.) "*Company*" is a therein defined term used to authorize and refer to HTEM as creator of CCMUD7 and as "*Owner*" of the approximately 101 acres; however, HTEM was not owner of the land or Petitioner for CCMUD7, H/TE was. That was a **false representation** regarding the land ownership and Petitioner. Furthermore, authorizing HTEM to take an action does not constitute an authorization for H/TE, a wholly separate entity, to take any action whatsoever, even if HTEM had been the legal GP of H/TE at the time of application (which it was not, due to its forfeiture). Therefore, no legitimate corporate authorization documents accompanied the Petition (as required) and none (accompanying or not) authorized H/TE to submit a Petition for creation of CCMUD7—only HTEM. Also, because of HTEM's certificate forfeiture, neither HTEM nor H/TE were legally formed and organized *at the time* the Petition was executed and filed in H/TE's name by the various non-parties. **This further renders the Petition incomplete and invalid and affirms that H/TE had no standing to have the Petition submitted, and to this very date H/TE has no standing in this contested case, nor does the court have jurisdiction over it.**

The requirement for an LP to have a GP to legally exist and conduct business is a statutory requirement that neither TECQ nor SOAH have authority to override. This leaves the Petition which was filed exclusively in the name of H/TE as invalid and moot. **An invalid and moot Petition cannot be transferred to any other party and must instead be denied and dismissed.**

The instant Case is jurisdictionally limited to the Petition of H/TE for creation of CCMUD7. It is an undisputed fact that H/TE, an LP, did not have a GP at the time the Petition was filed in its name. These facts require dismissal of this instant Case and of the underlying, invalid Petition. It cannot be resurrected or transferred to another petitioner who was not a co-petitioner with H/TE at the time of filing.

Failure of the TCEQ to deny the Petitions and dismiss the SOAH 014898 CCH, will only waste judicial resources and the parties' resources.

f. Summary and Conclusions

We respectfully request that no new notice be given for the current Petition and instead RTG be instructed to commence *de novo* its own Petition. There exists no mechanism or precedent for transfer of a MUD Petition which has already been made subject to a CCH, and no Constitutional authority to transfer standing to another person in a Contested Case.

Response discussion by RTG, the ED, and OPIC of the merits criteria which normally determine approval or denial of a MUD petition are wholly irrelevant at this point in time, **because the petitions are fatally defective.** In the interest of justice, the petitions of H/TE and RTG must not advance to a CCH on the merits because the March 23, 2021 Petition by H/TE and October 09, 2023 so-called Joinder Petition by RTG are each fatally defective and do not warrant any consideration of a MUD on the merits. The applicant or petitioner in each case is not a valid applicant and the petitions are invalid and fatally defective and have been since their respective filings. A MUD cannot be granted, or denied, **regardless of the merits or lack thereof**, if the applicant and the petition are fatally defective. TCEQ has a duty in law and to the citizens of Texas to ensure that only valid applicants and petitions are given consideration on the merits.

If the Commission examines and considers all the facts and evidence summarized herein and filed in greater detail in the administrative record, the preponderance of the evidence will show there is no legitimate procedure whereby RTG may "join" the Petition, 0533-DIS, applied for solely in the name of H/TE, or assume the standing of H/TE in the SOAH litigation, 01498.

At a minimum, H/TE's Petition was (i) invalid at the time of its making, and (ii) abandoned, voided, and rendered moot upon H/TE's sale of the subject "Property" on September 09, 2023. The undisputed fact of that sale left no Petition to assume and no co-petitioner for RTG to "join." RTG's status as Petitioner (if it had ever been valid) ceased automatically by operation of law on the date of the sale, *and* RTG did not even attempt to file a so-called "Joinder" petition with TCEQ until October 09, 2023, seventeen (17) later.

Respectfully submitted by and on behalf of each of the following,

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025, a true and correct copy of this *Requestors' Requests For Relief And Replies To Responses To Hearing Requests* has been served by via electronic mail by Lindy M. "Buddy" Pilgrim to the all the parties of record as noted below and to all joint Requesters on the signatory page hereto, to all other responders listed below, and hard copies were additional served to the Chief Clerk of the TCEQ and certain others as noted below, via USPS mailed.

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Texas Commission on Environmental Quality
Office of the Chief Clerk
ATTN: Agenda Docket Clerk
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For the Applicant via Electronic Mail and USPS Mail:

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/s/Jani Jasadiredja
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/s/Baylis H Laramore Jr
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/s/Jolene Leask
634 Quail Run Dr
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/s/Mrs Dana Marie Lester
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/s/Brad Levy
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/s/Candy Levy
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/s/Mr Glynn Alan Lively
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/s/Valeda Logan
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/s/John & Mrs Angelique S Loncar
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/s/Angelique S Loncar
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/s/Steve Loop
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/s/Jennifer Vanderhorn
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/s/Mrs Ranjani Venkataraman
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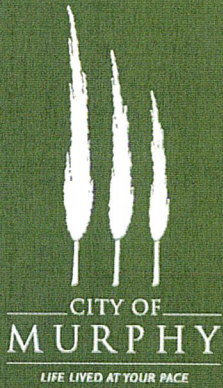
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/s/Loretta Walther
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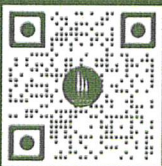


From the desk of
Aretha L. Adams
MPA, ICMA-CM.

City Manager

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206 North Murphy Road
Murphy, Texas 75094



May 12, 2025

Ms. Laurie Gharis, Chief Clerk
TCEQ, MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Re: Proposed Collin County Municipal Utility District No. 7 (CCMUD7) TCEQ
DOCKET NO. 2022-0533-DIS,
Internal Control No. D-04122021-017

Dear Ms. Gharis,

The City of Murphy wishes to express our continued opposition to the creation of the Collin County Municipal Utility District No. 7. as proposed by Restore the Grasslands, LLC and Harrington/Turner Enterprises, LP. Murphy residents will be negatively impacted by this development as proposed.

I respectfully request that the Commission oppose this application. The developer/ applicant should be required start a new application with the correct and updated ownership name and project information. A new application will also ensure that the public is fully informed on what is proposed for this development project.

Thank you for your consideration. If you have any questions or require further information, please feel free to contact me.

Sincerely,

Aretha L. Adams, MPA
City Manager
Murphy, Texas

From: [Jared Mayfield](#)
To: [Laurie Gharis](#)
Cc: [Robert Lane](#)
Subject: Opposition to Collin County MUD No. 7
Date: Monday, May 12, 2025 4:56:38 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[TCEQ Letter 5-12-25.pdf](#)

Ms. Gharis,

Please find attached a letter showing the City of Murphy's opposition to the Proposed Collin County Municipal Utility District No. 7 (CCMUD7) TCEQ DOCKET NO. 2022-0533-DIS, Internal Control No. D-04122021-017

Thanks,



Jared Mayfield, AICP
Assistant City Manager
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APPLICATION FOR THE	§	BEFORE THE TEXAS COMMISSION
CREATION OF	§	ON ENVIRONMENTAL QUALITY
COLLIN COUNTY MUD. 7	§	OFFICE OF THE COMMISSIONERS

To the Honorable Commissioners:

Protestants Carolyn J Moebius, Don Wade Cloud, Jr, Lindy “Buddy” Pilgrim, Ray Hemmig, Ted Lane, Angelique Loncar, Andrew Malczewski, Katherine Calabria Harvey and Laura Hernandez (collectively, “Protestants”) file this Protestants’ Reply to Applicant’s Attempt to Disqualify Affected Parties, Renewed Opposition to Restore the Grasslands Joinder Petition, Renewed Motion to Strike Re-notice and Limits on Commission’s Authority at May 22, 2025 Hearing. Protestants have all requested a contested case hearing so that Protestants are also Requestors.

Part A – Reply to Applicant’s Attempt to Disqualify Affected Parties

1. The SOAH Judge Already Ruled on Affected Party Status

Importantly, on July 25, 2022 the TCEQ ruled in an Order that Protestants were affected parties to be admitted in the contested case hearing with the exception of Pilgrim and Hemmig who were admitted later into this proceeding. On February 13, 2024, the Administrative Law Judge (ALJ) issued an order remanding the case for additional notice only. The ALJ did not vacate nor reconsider the affected party status of anyone previously admitted. The ALJ’s intent and directive are clear: previously admitted parties remain in the case, and additional notice was to ensure due process for others.(SOAH Order Remanding Case, Feb. 13, 2024)

2. The Executive Director and OPIC Agree: Affected Parties Stand

Based upon their respective responses to hearing requests, both the Executive Director (ED) and the Office of Public Interest Counsel (OPIC) unequivocally recognize that:

Previously admitted individuals (such as Protestants) remain as parties in the case.

OPIC further stated in its response that it did not reevaluate requests from these individuals because “they will remain parties for the duration of this proceeding.” (See Executive Director’s Response at p. 6; OPIC Second Response at p. 1).

3. RTG's Counsel in RTG’s response to hearing requests makes frivolous and without meritless claims

RTG’s attorney’s absurd blanket claim that no individual has a justiciable interest even those who live adjacent to the proposed MUD, have already been recognized by SOAH, and meet every regulatory standard is a clear attempt to undermine the contested case process, create needless work for Protestants and all Requestors, and silence public participation. (See 2022-0533 DIS Applicant’s Response to Hearing Requests filed April 28, 2025, pp. 5–6).

Such conduct is not only legally baseless, but it shows disdain for the administrative process and the Commission’s and SOAH judge’s prior rulings. It reflects an intentional effort to obstruct the rights of landowners, municipalities, and other stakeholders who have followed all rules, submitted timely comments, and participated in good faith.

4. RTG Is Not Even the Proper Applicant of Record

The SOAH caption still lists Harrington/Turner Enterprises, LP as the applicant. RTG has not been properly substituted in through a motion granted by SOAH. Thus, their attorney's efforts to rewrite the scope of party rights are not only inappropriate — they are being asserted without even being formally recognized as the petitioner in this matter. (SOAH Docket No. 582-23-01498 case caption).

Part B – Renewed Previously Filed Opposition to RTG Joinder Petition

Protestants continue and renew their opposition to the Joinder Petition filed by RTG on October 9, 2023, in connection with the revised Petition for Creation of Collin County Municipal Utility District No. 7. The TCEQ has never ruled upon Protestants' opposition. TCEQ can summarily dispose of the meritless petition for the MUD at issue by granting Protestants' opposition and the relief sought therein.

RTG is not the original petitioner and only became the landowner on September 22, 2023, after Harrington/Turner Enterprises, LP ("HTE") conveyed the subject property. As a matter of law, RTG's attempt to proceed *via* a Joinder Petition is procedurally improper and substantively invalid. Under Texas Water Code §54.014, a petition for creation of a municipal utility district must be signed by the current titleholders. Once HTE transferred ownership, it lost standing to continue with the petition. RTG's Joinder Petition—executed after the transfer—has no statutory basis allowing a new landowner to "join" an existing petition rather than file a new one, which would be subject to full statutory review and public notice.

Moreover, RTG has not been admitted as a party to this proceeding and therefore cannot substitute itself for the original petitioner. The effect is that the petition has been abandoned and must be dismissed.

As previously set forth in the *Protestants' Response in Opposition to Joinder Petition and Motion for Order Dismissing Revised Petition with Prejudice*, both filed on October 15, 2023, the facts and law make clear that the Revised Petition cannot lawfully proceed. HTE's transfer of its interest extinguished its standing, and RTG has failed to meet the statutory requirements to initiate a new petition.

Additionally, Protestants call the Commission's attention to another significant issue: RTG and its counsel, Coats Rose, are expected to argue that Wastewater Permit No. WQ0016003001 has been transferred. However, 30 Texas Administrative Code §305.64(a) states unequivocally: "An attempted transfer is not effective for any purpose until actually approved by the commission." Subsection (b) further requires that the transferee or permittee submit an application for transfer at least 30 days in advance. To date, there is no record of Commission approval. Therefore, RTG does not hold a valid permit, undermining any assertion that it can assume HTE's position in this matter.

Notably, RTG is not listed as the applicant on/by either the TCEQ or SOAH websites/legal records.

Part C – Renewed Previously Filed Motion to Strike Re-notice

Protestants formally objected in their pending motion to strike to the sufficiency and legality of the May 23, 2024 Notice of District Petition regarding the proposed creation of Collin County MUD No. 7. This objection is submitted in summary support of the *Protestants' Motion for Order Declaring Notice of District Petition Void*, previously filed with the TCEQ and SOAH on June 14, 2024. While we will not attach exhibits already filed, we highlight below several of the notice's fatal deficiencies:

1. Inaccurate Representation of Petitioner Actions: The notice refers to prior petitions and legal steps taken by HTE, a former landowner, to imply compliance with legal prerequisites. However, HTE sold the land on September 22, 2023 and is no longer a party of interest. The current landowner, RTG, has not filed its own petition or met the statutory requirements to proceed.

2. No Valid Petitioner: The notice improperly treats RTG as if it has standing to continue HTE's abandoned petition. RTG has not filed an independent petition or been admitted as a party, which is required under Texas law. As a result, the notice does not correspond to a valid, active petition.

3. Material Misstatements:

The notice falsely claims RTG is the title holder of all property in the district "as shown by the Collin County Tax Rolls," even though the petition itself refers to HTE as the landowner.

It inaccurately states that there are "no lienholders," despite the existence of a recorded deed of trust in favor of First United Bank & Trust Company.

- Also, it declares all land to be within the ETJ of Parker, Texas, though RTG has filed a petition for ETJ release, and pending litigation on the constitutionality of the relevant law (SB 2038) introduces significant uncertainty.

4. Cost Estimate Is Invalid: The stated development cost of \$44,210,000 is outdated and based on a project proposal by HTE from 2022. There is no current, reliable cost estimate submitted by RTG, nor any publicly available project plans or feasibility studies.

5. Due Process Concerns: The notice of May 23, 2024 lacks the transparency, accuracy, and timeliness required by law and due process. By incorporating outdated and incorrect information, the notice misleads the public and prevents meaningful participation.

For these reasons, the Protestants vigorously continue to urge the Commission to declare the May 23, 2024 Notice fatally defective and void. The lack of a valid petitioner, the inaccuracies in ownership and lienholder disclosure, and the failure to comply with procedural requirements collectively deny the public the notice they are entitled to under law. The TCEQ has never ruled upon Protestants' motion to strike. TCEQ can summarily dispose of the meritless petition for the MUD at issue by granting Protestants' motion to strike and the relief sought therein.

Part D – Limits on Commission's Authority at May 22, 2025 Hearing

On May 22, 2025, the Commission cannot grant the pending Petition for Creation of Collin County MUD No. 7 unless a Contested Case Hearing (CCH) is first granted to the Protestants who have filed timely and legally sufficient requests. The Commission can summarily deny the Petition based upon the record in this case but cannot consider granting the Petition prior to allowing for a full and appropriate contested case hearing. Protestants continue to assert the Petition must be denied in its entirety.

Further, the Commission may and should deny the petition outright at that meeting on May 22, 2025 because the applicant, Restore the Grasslands, LLC (RTG), lacks jurisdictional standing. As detailed in prior filings and arguments, RTG has not lawfully substituted itself as the petitioner, has not filed a valid and complete

application for MUD creation, and holds no effective wastewater permit under applicable rules. Therefore, jurisdiction is lacking, and dismissal is appropriate.

CONCLUSION AND PRAYER

Protestants reserve the right to amend this pleading and assert additional arguments. For the reasons set forth above and in the record Protestants respectfully urge the Commission to take the following actions:

- **Strike** the May 23, 2024 notice of district petition as fatally defective and void, due to the absence of a valid petitioner, material misstatements regarding ownership and lienholders, and failure to comply with legal notice requirements;
- **Deny** the Joinder Petition filed by Restore the Grasslands, LLC (RTG) and the Revised Petition submitted by Harrington/Turner Enterprises, LP (HTE), with prejudice;
- **Reject** RTG's improper attempt to disqualify previously admitted affected parties;
- **Affirm** that all parties previously granted affected party status—including the Cities of Murphy and Parker, Carolyn J. Moebius, Don Wade Cloud, Jr., Lindy "Buddy" Pilgrim, Ray Hemmig, Ted Lane, Angelique Loncar, Andrew Malczewski, and Laura Hernandez—retain their full legal standing;
- **Confirm** that any individuals granted affected party status by the Commission on May 22, 2025, shall automatically be entitled to a contested case hearing if a future petition for district creation is submitted;
- **Require** that any future petition for district creation be submitted by a properly qualified landowner-petitioner in compliance with Chapter 54 of the Texas Water Code and all related procedural requirements;
- **Deny** the pending MUD creation petition outright at the May 22, 2025 meeting, as RTG lacks jurisdictional standing—having failed to file a valid and complete application, failed to substitute in as petitioner lawfully, and lacking an approved wastewater permit under applicable TCEQ regulations; and
- Grant such additional relief as requested by Protestants

Respectfully submitted,

/s/ Carolyn J. Moebius

Carolyn J. Moebius on behalf of herself and
Protestants Don Wade Cloud, Jr, Ray
Hemmig, Andrew Malczewski, Katherine Calabria Harvey
and Laura Hernandez
Individual Protestant Pro Se
1412 Parkview Lane
Murphy, Texas 75094
Telephone: (972)333-9432
Email: carmoe@gmail.com



CANDY NOBLE

STATE REPRESENTATIVE, DISTRICT 89

May 12, 2025

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711

Re: Proposed Collin County Municipal Utility District No. 7 (CCMUD7) TCEQ DOCKET NO. 2022-0533-DIS,
Internal Control No. D-04122021-017

Dear Ms. Gharis,

I am in receipt of the Texas Commission on Environmental Quality (TCEQ) notice that Restore the Grasslands, LLC and Harrington/Turner Enterprises, LP has applied for the above referenced permit for a the creation of Collin County Municipal Utility District No. 7 to be located approximately 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive in Collin County.

As the State Representative for the affected area, I vehemently oppose this application and strongly request that Restore the Grasslands, LLC be required to start the process with a brand new application.

The initial application for this Collin County Municipal Utility District was filed by the landowner Margaret E. Turner and Harrington/Turner Enterprises LP. Ms. Turner is no longer the owner of this property. I request that you decline this application and require Restore the Grasslands, LLC to submit a new application with the current owner's updated and correct information.

Many of my constituents from the cities of Parker, Murphy, Allen, Lucas and Wylie have contacted me to express their grave concerns with the negative impact this development will have on the area communities and on their property values. A new application is necessary to ensure that the public is informed on what is happening and therefore able to voice their position on this development. I have spoken with the City of Parker and they still stand in opposition to this application.

Sincerely,

A handwritten signature in cursive script that reads "Candy Noble".

Candy Noble
State Representative, District 89

Laurie Gharis

From: Candy Noble <Candy.Noble@house.texas.gov>
Sent: Monday, May 12, 2025 4:14 PM
To: Laurie Gharis
Cc: Josh Amador; Robert Lane; Cassie Daniel
Subject: Letter concerning: Re: Proposed Collin County Municipal Utility District No. 7 (CCMUD7) TCEQ DOCKET NO. 2022-0533-DIS,
Attachments: TCEQ Letter 05.12.25 County MUD 7.pdf
Importance: High

Hello,

Please find attached my letter concerning the Re: Proposed Collin County Municipal Utility District No. 7 (CCMUD7) TCEQ DOCKET NO. 2022-0533-DIS, Internal Control No. D-04122021-017.

Thank you,

Candy

Candy Noble
State Representative
House District 89

Texas Commission on Environmental Quality

SOAH Docket No: 582-23-01498

TCEQ Docket No: 2022-0533-Dis

The proposed Collin County MUD No. 7 will negatively impact on my property which is about a quarter of a mile away from the proposed MUD. The MUD is a high density, very small lot development that does not have the infrastructure to support it. There is no public transportation so our streets will be impacted with traffic which will wear out the roads and require maintenance. Drainage and water run off will come into my yard which is bisected by Dublin Creek and flood my yard, uprooting and killing my trees and ruin my enjoyment of my property. My enjoyment of my property will also be impacted by the noise from a high density development. I bought my land in a large lot, low density area so I would be able to use my land without impacting upon my neighbors and this development would add noise in the area. It would also produce odors from any waste water treatment plant installed and that would negatively effect my area as well as any discharge from the plant into our creeks killing the wildlife there.

This proposed MUD is out of character for our entire area. It does not fit in with our community that is large lots and low density area. It will overload our schools which are not prepared to handle the increased number of students. It will increase my taxes in order to maintain the streets and develop other infrastructure while lowering my property's value. I should not be penalized nor forced to pay increased taxes due to this development. I should not have my land placed in jeopardy due to potential flooding due to this development and I would have to pay to remedy the situation every time it occurred. I would be denied the use and enjoyment of my land. As a person with a compromised

immune system, I should not have my health impacted by this development's increased effect on the environment, drainage and other high density issues.

Due to the above, I wish to remain an affected party and I am requesting a contested hearing.

Thank you for your consideration.

Lee Pettle
3302 Dublin Road
Parker Texas 77502

LEGAL BRIEF OPPOSING THE CREATION OF COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 7 (MUD NO. 7)

BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

TCEQ Docket No. 2022-0533-DIS

Control No D-04122021-017

Submitted by: Ted Lane

May 11, 2025

INTRODUCTION

This brief is submitted in strong and unequivocal opposition to the Texas Commission on Environmental Quality's (TCEQ) recommendation to approve the creation of Collin County Municipal Utility District No. 7 ("MUD No. 7"). The proposed district fails to meet statutory prerequisites under Chapters 49 and 54 of the Texas Water Code, violates public interest standards established by Texas case law, and represents a classic example of speculative, developer-driven district formation at the expense of orderly growth, fiscal responsibility, and existing municipal authority. It would allow the misuse of taxing authority, floodplain development, and eminent domain to serve private interests.

I. THE APPLICATION IS VOID AB INITIO – FORMER OWNER NO LONGER HAS TITLE

The original application for MUD creation was filed by Margaret E. Turner and Harrington/Turner Enterprises, LP—entities that no longer own the land. On September 22, 2023, all the property was conveyed to Restore the Grasslands, LLC. The application must be dismissed as a legal nullity because under 30 Tex. Admin. Code § 293.11(j)(1) and Texas Water Code § 54.014(a), only current titleholders may petition for district creation. The Commission lacks jurisdiction to proceed. See *City of Spring Valley v. Southwestern Bell Tel. Co.*, 484 S.W.2d 579 (Tex. 1972).

II. FAILURE TO DEMONSTRATE PUBLIC NECESSITY UNDER TEX. WATER CODE § 54.011

The proposed MUD is not 'necessary' as required under Texas Water Code § 54.011. The statute requires a showing of genuine public necessity—not developer convenience. In *Board of Trustees v. Westwood ISD*, 437 S.W.2d 229 (Tex. Civ. App.—Tyler 1968, writ ref'd n.r.e.), the court held that a district must be 'essential to the public interest,' not a private financing vehicle.

III. VIOLATION OF MUNICIPAL AUTHORITY UNDER TEX. LOC. GOV'T CODE § 42.042

The City of Parker retains exclusive control over utility service within its ETJ. The developer's reliance on 'constructive consent' under Texas Water Code § 54.016(d) distorts legislative intent. In *City of Alton v. Sharyland Water Supply Corp.*, 277 S.W.3d 132 (Tex. App.—Corpus Christi 2009), the court made clear that silence does not constitute consent. The City of Parker did not forfeit its jurisdiction by refusing a one-sided agreement.

IV. OUTDATED AND UNSUPPORTED FINANCIAL ANALYSIS

The feasibility study relies on a 2021 market study and a 2022 technical memo. These assumptions—including a 4.25% bond rate and complete buildout of 608 homes—are now obsolete due to inflation and market shifts. This violates 30 TAC § 293.59, which requires prudent and current financial assumptions. Presenting outdated figures represents willful misrepresentation and places all financial risk on future taxpayers while enriching the developer.

V. ENVIRONMENTAL HAZARDS – FLOODPLAIN DEVELOPMENT AND DRAINAGE RISK

Over 30 acres of the proposed MUD lie within FEMA-regulated floodplain and floodway zones along Maxwell Creek. The developer's plan to submit a Letter of Map Revision (LOMR) at a later date is speculative and irresponsible. Furthermore, the proposed detention basins are functionally permanent lakes with no proven flood mitigation. This violates Tex. Water Code § 5.102 and TCEQ's own RG-348 guidance.

VI. MISUSE OF MUD EMINENT DOMAIN AUTHORITY FOR OFFSITE ACCESS

The developer plans to exploit condemnation authority under Texas Water Code § 54.209 to seize private land for access roads—especially Gregory Lane and nearby private property. This would be an unconstitutional abuse of eminent domain. Article I, Section 17 of the Texas Constitution prohibits takings for private benefit under the guise of economic development. See *City of Austin v. Whittington*, 384 S.W.3d 766 (Tex. 2012); *Kelo v. City of New London*, 545 U.S. 469 (2005). The developer knew the parcel had limited ingress/egress and is now using the MUD as a vehicle to force additional access. This tactic is indefensible.

VII. ROAD POWERS UNDER TEX. WATER CODE § 54.234 ARE UNNECESSARY

The TCEQ should deny the request for special road powers. The \$16.65 million in road bonds would fund infrastructure that Collin County and the City of Parker already oversee. As established in *San Antonio River Auth. v. Garrett Bros.*, 528 S.W.2d 266 (Tex. Civ. App.—San Antonio 1975), road authority must serve legitimate public needs—not private access.

VIII. SIGNIFICANT LOCAL OPPOSITION

There is overwhelming opposition from adjacent property owners and local residents. TCEQ must consider this under *City of Willow Park v. PUC*, 596 S.W.2d 931 (Tex. Civ. App.—

Fort Worth 1980). The application lacks community support and is being pushed through without consensus, which erodes public trust and contradicts the principle of responsible development.

CONCLUSION

The proposed creation of MUD No. 7 is procedurally defective, fiscally speculative, environmentally risky, and publicly opposed. It sets a dangerous precedent of enabling developers to weaponize public tools for private benefit. The Commission must reject this application to preserve the integrity of Texas public policy.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Ted Lane respectfully requests that the Commission:

1. DENY the petition to create Collin County MUD No. 7;
2. DENY the request for road powers under § 54.234;
3. REJECT any condemnation powers outside the district boundaries;
4. ORDER dismissal of the application as procedurally defective under § 54.014;
5. REQUIRE updated engineering and financial materials for any future submissions.

Respectfully submitted,

Ted Lane
5004 Dublin Creek Ln
Parker, TX 75002
LaneTRL@gmail.com

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I own property located at or near: 6903 Audubon Drive Parker Texas_____.
- My property is approximately .83miles from the proposed district boundary.
- I am concerned about specific impacts including (check or list any that apply):
 - ☒ Flooding or altered drainage
 - ☒ Impacts to drinking water or water wells
 - ☒ Wastewater disposal or infrastructure burden
 - ☒ Financial risks or tax burdens from the proposed MUD
 - ☒ Decreased property value or land use conflicts
 - ☒ Traffic or access impacts
 - ☒ Impacts to nearby creeks, floodplains, or aquifers
 - ☐ Other: _____

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Lynnette Ammar

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I own property located at or near: 1311 Prescott Drive Murphy, TX 75094.
- My property is approximately 100 yards from the proposed district boundary.
- I am concerned about specific impacts including:
 - Taxes will increase to cover the cost of emergency services
 - Traffic will increase
 - Financial risks from the proposed MUD
 - Infrastructure burden
 - Impact on drinking water
 - Impacts to nearby creeks, floodplains, or aquifers
 - Foul odor from the proposed sewer plant will ruin our time spent outside as a family

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

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Thank you for your time and consideration.

Sincerely,
Michael McGraw

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I [own / reside on / use / have access to] property located at or near:
308 Oriole Ct, Murphy TX 75094
- My property is approximately 0.02 miles from the proposed district boundary.
- I am concerned about specific impacts including
 - Flooding or altered drainage
 - Wastewater disposal or infrastructure burden
 - Financial risks or tax burdens from the proposed MUD
 - Decreased property value or land use conflicts
 - Traffic or access impacts
 - Impacts to nearby creeks, floodplains, or aquifers
 - Impacts to my use and enjoyment of my property due to unpleasant odours or noise

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

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Sincerely,

Jeffrey Dwight and Danny Shoop

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Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I've resided for twenty years at: 3307 Bluffs Lane, Parker, TX 75002.
- My property is approximately one mile from the proposed Collin County MUD District No. 7 boundary.
- I am concerned about specific impacts including (check or list any that apply):

☒ Flooding or altered drainage. • Flooding risks, which are already a documented concern in the area and would be exacerbated by Cottonwood Creek (referred to Dublin Creek in the engineers plan), the proposed outlet for approximately 1/3 of the stormwater within 0 miles of my home as it runs through my backyard, which has flooded the back half of my three acres on numerous occasions causing property damage. The creek cannot take any more water in its current state and I've seen no plans to rectify this. Runoff to adjacent properties included in the drainage plan will impact Dublin Road which the only exit road from my subdivision. I would be trapped if the creek floods my property and my exit road. Dublin Road has flooded on numerous occasions and cannot take any more drainage going onto it in its current state and I have not seen any plans to correct this. Our city zoning requires large, multi-acre lots. Ours is 3 acres. The city infrastructure not built for high-density housing.

☐ Impacts to drinking water or water wells

☒ Wastewater disposal or infrastructure burden. The wastewater treatment facility will cause a smell on my property which is less than one mile from the proposed MUD. I am an avid gardener and walker so I spend a lot of time outside. When I built my dream home 20 years ago, I carefully selected the site so that I was not within distance of certain things that would hamper my enjoyment of my property. I do not want a wastewater treatment facility anywhere near my property. It's unacceptable that this should be allowed as it directly impacts my land and enjoyment thereof. When the land is developed it should connect to city sewer and pay the costs to connect and the additional city infrastructure cost.

☒ Financial risks or tax burdens from the proposed MUD. It's unclear if a study has been done to prove the residences proposed will be marketable given the off putting smell. If it fails, then I'm concerned the city would be financially responsible, hence increasing my property taxes.

☒ Decreased property value or land use conflicts. My house is a major asset for me that I've worked tirelessly for 34 years to pay for and its value will decrease significantly if the wastewater treatment facility is built because nobody wants to buy 3 acres that smell. I've been offered zero compensation.

☒ Traffic or access impacts. The City of Parker was not designed for high-density housing. Urban sprawl has already had a major impact on traffic since I moved to Parker 20 years ago. I moved from west Plano to escape the traffic. With build up in neighboring Lucas and Fairview, Parker Road had seen an increase in traffic beyond its capacity. With build up in neighboring Murphy and building the new school on Murphy Road, traffic has increased on Betsy/Park beyond its capacities. There's so much traffic at the intersection of Dublin & Betsy/Park (my regular route) that it's backed up for quite a distance at the stop sign. It's four lanes in the east/west direction and drivers routinely run the stop sign because they don't see it. I even saw a school bus run the stop sign without slowing down at all! It's hard to see and inadequate for four lanes of traffic. Adding additional high-density housing will make it worse and I've not seen a plan to resolve this.

☒ Impacts to nearby creeks, floodplains, or aquifers. There is plenty of evidence that wastewater treatment plants contribute to greenhouse gas emissions, air pollution from odors, and potentially release treated wastewater with lingering pollutants that affect aquatic life and soil. Wastewater sludge, which is a byproduct of the treatment process, can contain heavy metals and other pollutants. If its used as a fertilizer for the land, it can contaminate the soil and the creeks to which it drains. Microplastics remain in the treated effluent and will enter the aquatic ecosystems and pose risks to wildlife and human health. I've not seen any plan with tertiary treatment to mitigate this. Our water already contains harmful Where it discharges, it causes algae blooms in streams. This will impact wildlife which is unacceptable to me. I recycle, compost waste, use bidet, drive a fuel economical car, and take numerous measures to reduce my footprint on the environment. I'm very upset that our ecosystem will be disturbed. I have a meadow in my floodplain that borders Cottonwood Creek (referred to Dublin Creek in engineer's plan) that undeveloped grassland serves as the home for a variety of wildlife including owls, hawks, turtles, frogs, and coyotes. I planted perennials that attract endangered bees and butterflies. I practice organic gardening. That fragile ecosystem will be disrupted by this development. I eat the fruit from trees on my property that could be polluted from wastewater and runoff drainage.

☒ Other: Energy consumption. Wastewater treatment plants consume significant amounts of energy for their operations. Our neighborhood, Dublin Creek Estates, in Parker, TX regularly have power outages. The additional burden on the grid from the wastewater treatment facility may be catastrophic for our neighborhood town. When the Texas freeze happened in 2021, our neighborhood lost power for three days. Our copper water and fire sprinkler pipes burst while we were out of town and caused \$1 million in damages. We had to move out of our home for 1.5 years while it was repaired. 4 Of 28 homes in our neighborhood had to move out of their homes for repairs! Nothing has been fixed with our utility service and nothing has been proposed to handle the additional homes proposed. We continue to have power outages. Our insurance was canceled as a result of our first claim in 18 years and our new insurance premium tripled!

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,
John M. Lund
3307 Bluffs Ln
Parker, TX 75002

Dear Commissioners:

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- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,
Andrea L. Dennis
3307 Bluffs Ln
Parker, TX 75002

Protestant Hal Camp, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Hal Camp

3505 Woodcreek Circle, Parker, TX 75002

halcamp32572@hal-ann.com

May 1, 2025

Protestant Nathan Shea who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Nathan Shea

3106 Dublin Road, Parker, Texas. 75002

Nshea1@verizon.net

05/07/25

Protestant Nathan Shea who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Nathan Shea

3106 Dublin Road, Parker, Texas. 75002

Nshea1@verizon.net

05/07/25

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I reside at property located at 1313 Lonesome Dove Trail, Murphy, TX 75094.
- My property is approximately .5 miles from the proposed district boundary.
- I am concerned about specific impacts including (check or list any that apply):
 - Flooding or altered drainage
 - Impacts to drinking water or water wells
 - Wastewater disposal or infrastructure burden
 - Decreased property value or land use conflicts
 - Traffic or access impacts
 - Impacts to nearby creeks, floodplains, or aquifers
 - Odor

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,
Nettie Powell

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I [own / reside on / use / have access to] property located at or near: 1313 Lonesome Dove Trail, Murphy, TX 75094_____.
- My property is approximately .5 miles from the proposed district boundary.
- I am concerned about specific impacts including (check or list any that apply):
 - Flooding or altered drainage
 - Impacts to drinking water or water wells
 - Wastewater disposal or infrastructure burden
 - Decreased property value or land use conflicts
 - Traffic or access impacts
 - Impacts to nearby creeks, floodplains, or aquifers
 - Odor

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,
Lucy Powell

Protestant Heather Mae Powell, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Heather Mae Powell

340 Montana Trail

Murphy, TX 75094

heather.pj@gmail.com

512-507-6241

May 5, 2025

Protestant, Edwin D. Lundberg, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Edwin D. Lundberg's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Edwin D. Lundberg's health, safety, and use or enjoyment of their property. Edwin D. Lundberg has a swimming pool that he swims in religiously. His grandchildren come over frequently to swim. He has driven by other WWTPs and knows the odor they produce and the insects they attract. Edwin suffers from upper respiratory issues, and, realistically, this could negatively impact his health.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected. Edwin and his wife occasionally enjoy walking the Preserve at Maxwell Creek, which could be impacted negatively.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Dianne Lundberg's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Edwin D. Lundberg

1307 Featherwood Drive, Murphy, Texas, 75094

dlundberg54@msn.com

Date: May 2, 2025

Protestant, Dianne Lundberg, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Dianne Lundberg's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Dianne Lundberg's health, safety, and use or enjoyment of her property. Dianne Lundberg enjoys gardening, and this could significantly impact the amount of time she spends outside. She also likes to sit outside and watch her dogs play in the backyard. She also enjoys swimming in her backyard pool. And her grandchildren come over frequently to swim. She has driven by other WWTPs and knows the odor they produce and the insects they attract. Her husband suffers from upper respiratory issues, and, realistically, this could negatively impact his health.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Dianne Lundberg's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Dianne Elizabeth Lundberg

1307 Featherwood Drive, Murphy, Texas, 75094

dlundberg54@msn.com

Date: May 2, 2025

Dear Commissioners,

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

I request a contested case hearing. I reside approximately one-half mile from MUD#7 and anticipate negative impacts from its development. The high density and low percentage of green space to cement in MUD#7's design are concerning, particularly regarding their potential effects on flooding and stormwater runoff. Given the existing flooding issues in our area, the current storm runoff design appears inadequate. Additionally, the anticipated high density is likely to exacerbate traffic congestion and could lead to a decline in local housing values. Furthermore, inadequate ingress and egress routes could compromise neighborhood safety in the event of a disaster. Moreover, the proposed wastewater plant associated with MUD#7 raises significant concerns. It has the potential to degrade our quality of life by polluting our creek and emitting foul odors during accidental discharges.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- My personal residence is located near the proposed wastewater treatment plant.
- My property is approximately 0.66 miles from the proposed district boundary.
- I am concerned about specific impacts including:
 - Flooding or altered drainage
 - Impacts to drinking water or water wells
 - Wastewater disposal or infrastructure burden
 - Financial risks or tax burdens from the proposed MUD
 - Decreased property value or land use conflicts
 - Traffic or access impacts
 - Impacts to nearby creeks, floodplains, or aquifers

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;

- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Linda Fletcher

Protestant Tom Marshall, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Tom Marshall

1111 Westminster Ave., Murphy, TX 75094

tomjmarshall@gmail.com

734-645-4664

May 2nd, 2025

Protestant Ann Stormer, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Ann M. Stormer

2900 Dublin Road

Parker, Texas 75002

mccookfamily@gmail.com

cell 972.816.4021

May 1, 2025

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I own property located at 3603 Hogge Dr. located in Parker, TX.
 - My property is approximately 1,000 feet from the proposed district boundary.
 - I am concerned about the below specific impacts:
 - ☒ Flooding or altered drainage
 - ☒ Impacts to drinking water or water wells
 - ☒ Wastewater disposal or infrastructure burden
 - ☒ Financial risks or tax burdens from the proposed MUD
 - ☒ Decreased property value or land use conflicts
 - ☒ Traffic or access impacts
 - ☒ Impacts to nearby creeks, floodplains, or aquifers
 - ☒ Air quality to surrounding neighborhoods
-

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Cynthia Louise Daugherty

Protestant Elizabeth Ann Cross, who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1)):** Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2)):** Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3)):** Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4)):** The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5)):** Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Elizabeth Ann Cross

6101 Ranchview Ct., Parker, TX 75002

betanka@gmail.com/972-442-0904

Date: May 1, 2025

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I own property located at 3603 Hogge Dr. located in Parker, TX.
 - My property is approximately 1,000 feet from the proposed district boundary.
 - I am concerned about the below specific impacts:
 - ☒ Flooding or altered drainage
 - ☒ Impacts to drinking water or water wells
 - ☒ Wastewater disposal or infrastructure burden
 - ☒ Financial risks or tax burdens from the proposed MUD
 - ☒ Decreased property value or land use conflicts
 - ☒ Traffic or access impacts
 - ☒ Impacts to nearby creeks, floodplains, or aquifers
 - ☒ Air quality to surrounding neighborhoods
-

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Timothy August Daugherty

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I own & reside on a property located at or near: the proposed MUD/ WWTP development in the ETJ of Parker, TX.
- My property is approximately **1 mile** from the proposed district boundary.
- I am concerned about specific impacts including (check or list any that apply):
 - ☐ Flooding or altered drainage
 - ☐ Impacts to drinking water or water wells
 - ☐ Wastewater disposal or infrastructure burden
 - ☐ Financial risks or tax burdens from the proposed MUD
 - ☐ Decreased property value or land use conflicts
 - ☐ Traffic or access impacts
 - ☐ Impacts to nearby creeks, floodplains, or aquifers
 - ☐ Other: _____

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,
Kannan Palaniappan

Protestant **Miriam Jasadiredja** who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of “Affected Person” Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an “affected person” as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1))**: Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2))**: Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3))**: Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4))**: The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5))**: Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Miriam Jasadiredja
118 Echo Ridge Ln
jdjasa@aim.com
Date: May 1, 2025

Protestant **Jani Jasadiredja** who has been granted party status in this matter by the Executive Director (ED) and the Office of Public Interest Counsel (OPIC), respectfully submits this response to the Applicant's objection to participation in the contested case hearing (CCH).

I. Protestant Meets the Definition of "Affected Person" Under TCEQ Rules

The Applicant's objection relies on 30 Tex. Admin. Code § 55.251(b)–(d) and § 55.256(a), which define an "affected person" as one who has a personal justiciable interest not common to the general public. Protestant satisfies this definition for the following reasons:

1. **Legal Interest Protected by Law (§ 55.256(a)(1))**: Protestant's health, property, environmental, and safety concerns are directly protected by the statutes and regulations applicable to this permit or application.
2. **Proximity to the Regulated Activity (§ 55.256(a)(2))**: Protestant owns or resides on property located within the affected area, such that they would reasonably experience direct and unique impacts from the activity.
3. **Reasonable Relationship (§ 55.256(a)(3))**: Protestant's interests are reasonably related to the issues regulated by this permit, including [e.g., wastewater treatment, stormwater runoff, groundwater protection].
4. **Impact on Health and Property Use (§ 55.256(a)(4))**: The proposed activity may negatively affect Protestant's health, safety, and use or enjoyment of their property.
5. **Impact on Natural Resources (§ 55.256(a)(5))**: Protestant uses or depends on local natural resources that may be adversely affected.

II. Protestant's Request Complies with Procedural Requirements

Under 30 Tex. Admin. Code § 55.255(b), a contested case hearing must be granted if:

- The request was made by the applicant or ED; **or**
- The request was made by an affected person, was timely filed, and complied with § 55.251.

Protestant's request:

- Was timely filed;
- Cited a legal interest and personal justiciable concern under § 55.251(b);
- Was determined valid by the ED and OPIC, who have statutory roles in evaluating affected person status.

III. Deference to ED and OPIC is Appropriate

Both the ED and OPIC conducted an evaluation of all hearing requests. Their joint recommendation to grant Protestant's request is the result of an informed and impartial review under Commission rules. The Applicant's blanket objection does not provide a factual or legal basis to overturn these determinations.

IV. Conclusion

Because Protestant's participation meets all applicable legal standards, and because the ED and OPIC have recommended participation after evaluating the merits of Protestant's request, the Applicant's objection should be overruled.

Respectfully submitted,

Jani Jasadiredja
118 Echo Ridge Ln
jdjasa@aim.com
Date: May 1, 2025

Dear Commissioners:

May 1, 2025

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel(OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest:

I own the home located at 1110 Crosswind Dr, Murphy, Texas 75094.

My property is 0.46 miles from the proposed district boundary.

I'm concerned about the impact on nearby creeks and floodplains, especially altered drainage, flooding, and wastewater disposal. I'm concerned about a decrease in my property value due to unpleasant odors that wastewater treatment facilities generate. I lived near one of these facilities in the past, and I know what that is like. I'm also concerned for my property value due to the density of the development associated with the MUD and the negative impact it will have on traffic and access to my property. I'm concerned about tax burdens from the proposed MUD.

In addition, the proposed MUD and housing development are directly adjacent to the City of Murphy and the City of Parker. Therefore, the services provided by the MUD are available from nearby systems.

These concerns reflect specific personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Robert D. Bereuter

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I [own / reside on / use / have access to] property located at or near: _____ 6707 Overbrook Drive, Parker, TX 75002_____.
- My property is approximately **4100 Feet** from the proposed district boundary.
- I am concerned about specific impacts including (check or list any that apply):
 - ☒ Flooding or altered drainage
 - ☐ Impacts to drinking water or water wells
 - ☒ Wastewater disposal or infrastructure burden
 - ☒ Financial risks or tax burdens from the proposed MUD
 - ☒ Decreased property value or land use conflicts
 - ☒ Traffic or access impacts
 - ☒ Impacts to nearby creeks, floodplains, or aquifers
 - ☒ Other: Smells _____

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Lay Wah Ooi

Dear Commissioners:

I respectfully submit this letter in support of my request for affected person status and request that the Commission consider this as a clarification and supplement to my previously submitted hearing request from the 2024 comment period. While the Office of Public Interest Counsel (OPIC) recommended granting my request, the Executive Director (ED) recommended denial. I respectfully ask the Commission to recognize that I meet the requirements for affected person status under 30 Texas Administrative Code § 55.256.

Clarification of My Personal Justiciable Interest

I am providing the following information to further clarify the basis for my request:

- I [own / reside on / use / have access to] property located at or near: _____ 6707 Overbrook Drive, Parker, TX 75002_____.
- My property is approximately **4100 Feet** from the proposed district boundary.
- I am concerned about specific impacts including (check or list any that apply):
 - ☒ Flooding or altered drainage
 - ☐ Impacts to drinking water or water wells
 - ☒ Wastewater disposal or infrastructure burden
 - ☒ Financial risks or tax burdens from the proposed MUD
 - ☒ Decreased property value or land use conflicts
 - ☒ Traffic or access impacts
 - ☒ Impacts to nearby creeks, floodplains, or aquifers
 - ☒ Other: Smells _____

These concerns reflect specific, personal impacts and are directly related to the Commission's jurisdiction under Texas Water Code Chapters 49 and 54.

Request to the Commission

I respectfully ask the Commissioners to:

- Accept this letter as a clarification and supplement to my original hearing request;
- Recognize my personal justiciable interest under 30 TAC § 55.256;
- Grant my request for affected person status and allow participation in the contested case hearing.

Thank you for your time and consideration.

Sincerely,

Billy Barron