

TCEQ DOCKET NO. 2022-0533-DIS

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

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

The City of Murphy (“the “City”) files this reply to the response of the Applicant Harrington/Turner Enterprises, LP to the City’s request for contested case hearing. The TCEQ Executive Director (“E.D.”) and TCEQ’s Office of Public Utility Counsel (“OPIC”) both recommend granting the City’s request for hearing and so the City makes no reply to these responses and appreciates such recommendations made by the E.D. and OPIC.

Applicant Harrington/Turner Enterprises, LP filed a response to the City’s request for hearing in which the Applicant argued that the City had not demonstrated any nexus between the City’s concerns about water quality impacts, drainage and roadways and the proposed district. The Applicant argued that because the City had no jurisdiction to regulate development in the proposed district, it could not have a justiciable interest sufficient to make the City an “affected person”.

To the contrary however, the Applicant entirely misconstrues the standard for who is an affected person. As discussed in the City’s request for hearing, the incorporated limits of the City are directly adjacent to the proposed district boundaries and thus, as a legal person, the City has a personal justiciable interest in potential water quality and drainage impacts caused by, and emanating from, the district. How the proposed district constructs its roadways and the traffic impacts from the district’s use of those roads have a direct impact on the City because the district’s roads will connect to roads within the City and will have traffic impacts on City residents.

In addition, a separate independent basis for the City’s justiciable interest is the fact that the Applicant itself has acknowledged in writing that the City of Murphy is “the most logical provider” of wastewater service to the district and its development. See Exhibit 2 to the City’s request for hearing. As described in the City’s hearing request, the Applicant and the City have discussed terms under which the City would provide wastewater service to the Applicant’s development. If the City and the Applicant can reach agreement on terms of service, there will be

no need for a new small package wastewater plant, and this will help fulfill the goals and objectives of TCEQ's regionalization policy.

The above identified impacts of the proposed district on the directly adjacent City, and the City's interests in preventing the proliferation of unneeded small package plants like that which the proposed district would use, means that the City has clearly demonstrated its status as an "affected person". Accordingly, the City's hearing request should be granted, as recommended by the E.D. and OPIC.

Respectfully submitted,

/s/ Stephen C. Dickman

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CERTIFICATE OF SERVICE

I certify that on July 11, 2022, the above reply of the City of Murphy to the response of the Applicant was filed with the TCEQ via its electronic filing system and was Emailed to the below-listed parties.

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