

**TCEQ DOCKET NO. 2022-0533-DIS**

**APPLICATION BY HARRINGTON/  
TURNER ENTERPRISES, LP**

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**BEFORE THE TEXAS  
COMMISSION ON  
ENVIRONMENTAL QUALITY**

**CLOUDS' REPLY TO RESPONSES TO HEARING REQUESTS**

To the Texas Commission on Environmental Quality ("TCEQ"):

Our names, address, phone number and email address are submitted electronically to the TCEQ simultaneously with this reply.

We, the affected persons indicated below, respectfully provide the following reply to the Responses to Hearing Requests filed by Applicant Harrington/ Turner Enterprises, LP, The Office of Public Interest Counsel ("OPIC") of the TCEQ, and the Executive Director of the TCEQ. This proceeding relates to permit number D-04122021-017 and related permit number WQ0016003001, both of which continue to vigorously oppose.

We incorporate herein our previously filed (on 2-2-2022) opposition and request for contested case hearing. We assert, and do not withdraw, our previously filed opposition and request for a contested case hearing.

The Executive Director and the OPIC, in their respective responses recommended that our request for a contested case hearing be granted. We agree that our request for a contested case hearing should be granted.

Applicant and all entities and individuals have been put on notice, and remain on notice of foreseeable loss, damage and harm which will be caused to us by the knowing and intentional conduct for which a permit is sought. Applicant seeks a permit to take action which will result in damage to us personally. A permit will not shield from liability any individual or entity associated with the proposed MUD and related sewage plant. The foreseeability of the damage is undeniable.

An agency of Texas is not required under law to issue a permit for conduct which will undeniably under applicable Texas Supreme Court precedent cause damage to us. Indeed, we continue to assert an agency of Texas should not issue the permit sought by Applicant as we assert in our prior filed opposition and request for contested case hearing as the TCEQ will be permitting harmful conduct. If applicant is permitted to move forward, catastrophic damage, harm, and loss will occur to us.

Applicant in its response predictably requests that all requests for a contested case hearing, including our request for a contested case hearing, be denied. Applicant provides no factual or legal basis for denial. We request the Commission agree that we are *affected persons*, as recommended by OPIC and the Executive Director. We have proven that we have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Petition of Applicant. A portion of our Murphy land is in the flood plain created by Maxwell Creek, which flood risk will be substantially and materially increased should the MUD sought by Applicant and the related proposed sewage plant be permitted. We live within

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.3 mile or less to the proposed MUD and the related proposed sewage plant site and within .1 mile or less from the discharge into Maxwell Creek. We request that the Commission summarily reject all requests of Applicant.

We respectfully request TCEQ grant the relief sought herein and in our prior file opposition and request for contested case hearing and deny, in its entirety, permit number D-04122021-017 and related permit number WQ0016003001.

Dated: **July 11, 2022**

Respectfully submitted,

*Don Cloud Scheri Cloud*

Don and Scheri Cloud

#### CERTIFICATE OF SERVICE

The undersigned certifies that prior to 5:00 pm CST on **July 11, 2022**, this Reply was filed with the TCEQ Office of the Chief Clerk, and a copy was served via email on Counsel for, the Cities of Parker and Murphy, Counsel for Applicant, the Executive Director, Public Interest Counsel, TCEQ Alternative Dispute Resolution, the TCEQ Docket Clerk and other persons requesting notice at the following email addresses:

<https://www14.tceq.texas.gov/epic/eFiling/>

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*Don Cloud*