

Carrolyn J Moebius
1412 Parkview Lane
Murphy, Texas 75094
carrmoe@gmail.com
972-333-9432
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Re: TCEQ Permit # D-04122021-017 Reply to Responses

Affected Party Status

My name is Carrolyn Moebius. I live at 1412 Parkview Ln, Murphy, TX 75094. My property shares a boundary with the proposed municipal utility district ("MUD") and is approximately 200 feet from the location of the proposed wastewater treatment plant that will be managed by the MUD and 195 feet from Maxwell Creek. Therefore, I am an affected party.

Reply to Responses of TCEQ, OPIC and Applicant

I 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 I continue to oppose. I assert, and do not withdraw, my previously filed opposition and request for a contested case hearing.

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

Applicant in its response requests that all requests 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.

Chapter 55, Requests for Reconsideration and Contested Case Hearings; Subchapter F, defines who is an affected person. If only taking into consideration sharing a boundary with the MUD, I am an affected person. As the Executive Director stated "she raised issues relating to natural run-off rates/drainage, water quality, and availability of comparable service from other systems, stated how she would be affected by the District in a way uncommon to the general public, and described where her property is situated in relation to the District. Due to the location of her property relative to the proposed district and the concerns raised"

OPIC council responded, "In determining if the project is feasible, practicable, necessary, and beneficial to the land included in the district, the Commission shall consider:

- (1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;
- (2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and
- (3) whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:

- (A) land elevation;
- (B) subsidence;
- (C) groundwater level within the region;
- (D) recharge capability of a groundwater source;
- (E) natural run-off rates and drainage;
- (F) water quality; and
- (G) total tax assessments on all land located within a district.”

I have concerns that these points have not been addressed appropriately. While relying on old FEMA maps and not taking into consideration communities’ input (written, pictures and video) regarding flooding, natural run off rates, drainage, and underground streams, the TCEQ does not have the most relevant information to make a sound decision for the existing communities and the future community.

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

Respectfully,

Carrolyn J Moebius