Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

RE: IN THE MATTER OF THE PETITION FOR CREATION OF BUFFALO
HILLS MUNICIPAL UTILITY DISTRICT OF JOHNSON COUNTY
TCEQ DOCKET NO. 2023-1410-DIS

PHILLIP AND ROBYN FARRELL Sr. (THE FARRELL'S) RESPONSE TO THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO REQUESTS FOR HEARING

1) The Farrell's interest is one protected by the law under which this application is being considered.
2) OPIC used a map created by the ED. The map on its face states "represents only the approximate relative location of property boundaries". This map used the postal delivery location/911 address. This distance calculation is incorrect. According to the Central Appraisal District of Ellis County, our property is in the 1 mile radius depicted on the ED's map. There are no distance restrictions or other limitations imposed by law on our property, either by state or federal law.
3) More than a reasonable relationship exists between our concerns and the proposed districts regulated activities. Our concerns regarding water quality, effects on human health and safety, and runoff and the others not directly addressed by OPIC, are directly related to the proposed district and will have an unreasonable effect on land elevation, subsidence, groundwater levels, natural run-off rates, discharge, and water quality.
4) The proposed district will impact the use and enjoyment of our natural resources.
5) Both Boggy Branch and Armstrong Creek flow directly to and across our property. Our property being in close proximity to the proposed District does demonstrate how we would be affected by the proposed district in a manner different from a member of the general public.

Incorrect data regarding the distance of our property to the proposed district was used by OPIC in making their recommendations. OPIC's recommendation was based solely on this Map and incorrect data.

OPIC did not address our comments regarding the Petition Documents.

1) TWC §§ 49.011(b) and 54.01 The applicant must publish notice of the petition to create a district once a week for two consecutive weeks in a newspaper regularly published or circulated in the county where the district is proposed to be located not later than the 30th day before the date

of the Commission's decision on the application. The applicant **DID NOT DO THIS.** Documented by a review of applicants petition.

2) The TCEQ issued a report regarding dam safety issues for the proposed district. There is a lake located within the proposed district. This dam was not designed to pass high percentages of the probable maximum flood. Flow through the emergency spillway could impact the subdivision. Development downstream of the dam will affect the hazard classification, which will result in the dam needing to be rehabilitated. In addition there is a dam located upstream from the proposed District. This dam could possibly have an impact on the proposed District if the dam should fail or if there were flows through the spillways. Consideration should be given to addressing possible impact from flows from spillways, and possibly from a breach of one of these dams, in the development of the property, and the development around the existing lake. The applicant did not address the concerns regarding Dam Safety Issues from the TCEQ. With the probability of these dam failures it is of great concern for our property, health and safety.
3) The applicant submitted information that the District would receive water from Mountain Peak who holds the CCN for the District. With the high probability the CCN holder will have to drill additional wells to service the District, it has not been determined whether or not the district and its system and subsequent development within the district will have an unreasonable effect on subsidence, groundwater level within the region or recharge capability of a groundwater source

Conclusion:

For the reasons set forth above, Phillip and Robyn Farrell Sr. respectfully request the Commission find that The Farrell's qualify as affected persons, grant their hearing requests, and refer the matter to SOAH for a contested case hearing.

Respectfully submitted,

Phillip and Robyn Farrell Sr.
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