

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

NICK AND RENE GRIFFIN (THE GRIFFIN'S) RESPONSE TO THE EXECUTIVE DIRECTOR'S RESPONSE TO  
HEARING REQUEST

- 1) The Griffin's interest is one protected by the law under which this application is being considered.
- 2) The map created by the ED is incorrect. 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 that is 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 the ED, 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) Boggy Branch flows 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 the ED in making their recommendations. The ED's recommendation was based solely on this Map and incorrect data.

The ED 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 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, Nick and Rene Griffin respectfully request the Commission find that The Griffin's qualify as affected persons, grant their hearing requests, and refer the matter to SOAH for a contested case hearing.

Respectfully submitted,

Nick and Rene Griffin  
1308 Ozro Rd.  
Venus, Texas 76084

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RESPONSE TO REQUESTS FOR HEARING

- 1) The Griffin'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 that is 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.
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