

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Wednesday, March 6, 2024 6:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; Pubcomment-Dis
Subject: FW: Public comment on Permit Number D-12272023-031
Attachments: City of Southmayd Comments on Preston Ranch MUD and Request for CCH.pdf

H

Jesus Barcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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From: rfburk@bickerstaff.com <rfburk@bickerstaff.com>
Sent: Wednesday, March 6, 2024 8:18 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number D-12272023-031

REGULATED ENTITY NAME: PRESTON ROAD MUNICIPAL UTILITY DISTRICT OF GRAYSON COUNTY

RN NUMBER: RN111868386

PERMIT NUMBER: D-12272023-031

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: PRESTON ROAD MUNICIPAL UTILITY DISTRICT OF GRAYSON COUNTY

CN NUMBER: CN606214278

NAME: Stefanie Albright

EMAIL: rfburk@bickerstaff.com

COMPANY: Bickerstaff Heath Delgado Acosta LLP

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COMMENTS: Please see attached letter.

L J Bickerstaff
Heath Delgado Acosta LLP

March 6, 2024

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

Re: Application by Preston 56, L.P. to the Texas Commission on Environmental Quality for creation of Preston Road Municipal Utility District of Grayson County: TCEQ Internal Control No. D-12272023-031

Dear Chief Clerk Gharis:

The City of Southmayd (the "City") formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to the City's attorneys, Stefanie Albright and Emily Rogers, at 3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746. Our daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Preston 56, L.P. is applying to the Texas Commission on Environmental Quality for creation of a new municipal utility district, Preston Ranch Municipal Utility District, TCEQ Internal Control No. D-12272023-031. The City of Southmayd opposes the creation of the District.

The City is an "affected person" entitled to a contested case hearing on issues raised in this hearing request because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public and is an affected person under 30 TEX. ADMIN. CODE § 55.256. The proposed municipal utility district will be located within the extraterritorial jurisdiction of the City. The City does not consent to its creation. Pursuant to Texas Water Code § 54.016(a), land within the City's extraterritorial jurisdiction cannot be included within the boundaries of a municipal utility district without the City's consent. For this and additional reasons, local governments, such as the City, with authority under state law over issues contemplated by an application, may be considered affected persons under 30 TEX. ADMIN. CODE § 55.256(b). The City has authority to protect the public health and safety and to regulate development within its jurisdiction. TEX. LOE. GOV'T CODE §§ 42.001, 212.044. Various city functions and services - including water and sewer services, emergency services, water quality, and health and safety concerns - may be affected by the creation of the district and are not taken into account by the application.

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As a regional water service provider, the City has an interest to ensure that new development within its jurisdiction regionalizes with existing system to the greatest extent possible in order to protect the public health, safety, and welfare of its cities. *See* Texas Water Code § 26.081(a). Additionally, the proposed municipal utility district is located partially within the City's certificate of convenience and necessity ("CCN") for water service. The City therefore has an interest in ensuring the creation and operation of the proposed municipal utility district is protective of the public health and safety within its extraterritorial jurisdiction and CCN. Thus, the City has authority under state law over the issues contemplated by this application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.256(b).

For these reasons, the City requests that the Commission find that the City is an affected person and grant its request for a contested case hearing.

Sincerely,

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;Me P. Albright

Emily W. Rogers

Attorneys for the City of Southmayd, Texas

SPA/rfb