

**Tammy Johnson**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, March 24, 2025 3:21 PM  
**To:** Pubcomment-Dis; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number D-11082024-010  
**Attachments:** City Comments and Request for CCH re Lakeview MUD No. 1.pdf

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**From:** rfburk@bickerstaff.com <rfburk@bickerstaff.com>  
**Sent:** Monday, March 24, 2025 8:16 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number D-11082024-010

**REGULATED ENTY NAME** LAKEVIEW MUD 1

**RN NUMBER:** RN112081849

**PERMIT NUMBER:** D-11082024-010

**DOCKET NUMBER:**

**COUNTY:** ELLIS

**PRINCIPAL NAME:** LAKEVIEW MUNICIPAL UTILITY DISTRICT 1 OF ELLIS COUNTY

**CN NUMBER:** CN606324226

**NAME:** Emily Rogers

**EMAIL:** [rfburk@bickerstaff.com](mailto:rfburk@bickerstaff.com)

**COMPANY:** Bickerstaff Heath Delgado Acosta

**ADDRESS:** Two Barton Skyway 1601 S. MoPac Expwy Ste C400  
Austin, TX 78746

**PHONE:** 5124728021

**FAX:**

**COMMENTS:** See attached letter



March 19, 2025

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

Re: Application by Finch FP, Ltd. and BEF Trust to the Texas Commission on Environmental Quality for creation of Lakeview Municipal Utility District No. 1 of Ellis County, TCEQ Internal Control No. D-11082024-010.

Dear Chief Clerk Gharis:

The City of Waxahachie, Texas (“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, Emily W. Rogers and Stefanie P. Albright, Two Barton Skyway, 1601 S. Mopac Expressway, Suite C400, Austin, Texas 78746. Our daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Finch FP, Ltd. and BEF Trust are applying to the Texas Commission on Environmental Quality for creation of a new municipal utility district, identified as Lakeview Municipal Utility District No. 1 of Ellis County (“the District”), TCEQ Internal Control No. D-11082024-010. The City 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 District will be located entirely within the extraterritorial jurisdiction of the City. The City does not consent to its creation. Pursuant to TEX. 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 within its extraterritorial jurisdiction and to regulate development within its extraterritorial jurisdiction. TEX. LOC. GOV’T CODE §§ 42.001, 212.044. Various city functions and services – including water and sewer services, emergency services, and health and safety concerns – may be affected by the creation of the District and are not taken into account by the application.

The City also has sewer facilities near the proposed District. As a regional water and sewer service provider, the City has an interest to ensure that new development in its extraterritorial jurisdiction regionalizes with the existing system to the greatest extent possible in order to protect the public health, safety, and welfare of its citizens. *See* TEX. WATER CODE § 26.081(a). The City

March 19, 2025

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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. 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,

A handwritten signature in cursive script that reads "Emily W. Rogers".

Emily W. Rogers

*Attorney for City of Waxahachie*

## Tammy Johnson

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**PERMIT NUMBER:** D-11082024-010

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Additionally, the County has statutory and/or constitutional authority over various functions – including but not limited to transportation, emergency services, and health and safety – that may be affected by the creation of the District and that the application fails to take into account. *See, e.g.*, TEX. LOC. GOV'T CODE §§ 232.001-.011 (county authority for road construction in subdivisions as well as other subdivision regulations); TEX. TRANSP. CODE § 251.016 (general control over roads, highways, and bridges) and § 251.003 (county order and rulemaking authority for roads); TEX. LOC. GOV'T CODE, Subchapter C (fire code in unincorporated areas); and TEX.

GOV'T CODE, Chapter 418 (emergency management). Additionally, potential contamination or depletion of groundwater, if groundwater is to be the source of supply, within the region may impact the County's ability to effectively provide emergency services, may impact health and safety by lowering water quality, and may negatively impact the County's infrastructure through subsidence. Moreover, the County has an interest in protecting the water quality of the County, which may be impacted by discharges of treated effluent by Applicant's project. *See, e.g.*, TEX. HEALTH & SAFETY CODE § 121.003 (enforcement of laws to promote public health) and Chapter 366 (license procedures for private sewage facilities); and TEX. WATER CODE § 26.171, *et seq.* (enforcement of water quality controls and inspection of public waters).

Thus, the County has authority under state law over numerous issues contemplated by this application and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.256(b). Further, the proposed municipal utility district will be located entirely outside the corporate limits of a city. Pursuant to TEX. WATER CODE § 54.0161, the County therefore has express authority to review the petition for creation and other evidence and information relating to the proposed District that its commissioners court considers necessary. TEX. WATER CODE § 54.0161(a-2).

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

Sincerely,

A handwritten signature in cursive script that reads "Emily W. Rogers".

Emily W. Rogers

*Attorney for Ellis County*



March 19, 2025

Reviewed By JD

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Emily W. Rogers

*Attorney for Ellis County*



**Juliet Varra**

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**From:** rmorris@bickerstaff.com  
**Sent:** Wednesday, March 19, 2025 11:30 AM  
**To:** EFiling  
**Subject:** Filing on Permit Number/Docket Number 2021-0572-DIS  
**Attachments:** County Comments and Request for CCH re Lakeview MUD No. 1 3-19-25.pdf

**FILING CONFIRMATION NUMBER** 183414162025078

**REGULATED ENTY NAME** LAKEVIEW MUNICIPAL UTILITY DISTRICT NO 1 OF ELLIS COUNTY

**RN NUMBER:** RN111132494

**PERMIT NUMBER:** D-11042020-005

**DOCKET NUMBER:** 2021-0572-DIS

**COUNTY:** ELLIS

**PRINCIPAL NAME:** LAKEVIEW MUNICIPAL UTILITY DISTRICT NO 1 OF ELLIS COUNTY, CN605831510

**FROM**

**FILED BY:** RaeAnn Morris

**FILED FOR NAME:** Stefanie Albright

**E-MAIL:** [rmorris@bickerstaff.com](mailto:rmorris@bickerstaff.com)

**COMPANY:** Bickerstaff Heath Delgado Acosta LLP

**ADDRESS:** 1601 S MOPAC EXPY Suite C400  
AUSTIN, TX 78746-7009

**PHONE:** 512-472-8021

**DOCUMENT NAME:** County Comments and Request for CCH re Lakeview MUD No. 1 3-19-25.pdf

*Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is for Commission consideration at an open meeting, General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.*



March 19, 2025

Reviewed By GCW

MAR 20 2025 H

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Texas Commission on Environmental Quality  
MC-105  
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