Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 23, 2012

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

Re: TCEQ Docket No. 2009-0205-DIS; Rockwall County Water Control and Improvement District No. 1; Requests filed regarding Internal Control No. 06182008-D04.

Dear Ms. Bohac:

Following this letter is the Order for the above-referenced matter with the correct spelling of the city's name, McLendon-Chisholm. No other changes were made.

Please do not hesitate to contact me at (512) 239-4761 if you have any questions regarding this correction. Thank you for your attention to this matter.

Respectfully submitted,

Kayla Murray

Kayla Murray, Staff Attorney
Environmental Law Division

Enclosures

cc: Mailing list

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER GRANTING THE PETITION FOR CREATION OF ROCKWALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND APPOINTING TEMPORARY DIRECTORS

A petition by FM-548 & High Plains Trail – 1237, LLLP, (hereafter "Petitioner") was presented to the Texas Commission on Environmental Quality (hereafter "TCEQ") for consideration of approval of the creation of Rockwall County Water Control and Improvement District No. 1 (hereafter "District") pursuant to Article XVI, Section 59 of the TEXAS CONSTITUTION and TEX. WATER CODE Chapters 49 and 51.

The TCEQ, after having considered the petition, application material, and memorandum from the Executive Director dated May 15, 2012 (hereafter "Memorandum"), attached as Exhibit "B," finds that the petition for creation should be granted.

The TCEQ finds that the creation of the proposed District as set out in the application is feasible, practicable, necessary, would further the public welfare, and would be a benefit to the land to be included in the proposed District.

The TCEQ further finds that the proposed District and its system and subsequent development within the proposed District will not have an unreasonable effect on land elevation, subsidence, groundwater level within the region, recharge capability of a groundwater source, natural runoff rates and drainage, water quality, or total tax assessments on all land located within the proposed District.

All of the land and property proposed may properly be included within the proposed District.

All statutory and regulatory requirements for creation of Rockwall County Water Control and Improvement District No. 1 have been fulfilled in accordance with TEX. WATER CODE § 51.014 and 30 TEX. ADMIN. CODE §§ 293.11 and 293.12.

The proposed District has satisfied the requirements for creation pursuant to LOCAL GOVERNMENT CODE (LGC) §42.042. The proposed District submitted a written request for the consent of the City of McLendon-Chisholm ("City"), in whose extraterritorial jurisdiction the District will be located, and petitioned the City for water and wastewater services, pursuant to LGC 42.042(b) and (c), respectively. The City's failure to make a contract with the proposed District for these services constitutes its consent to the creation of the proposed District. Pursuant to LGC 42.042(d), this consent is an authorization to initiate proceedings to create the proposed District. Furthermore, the proposed District petitioned

the TCEQ for its creation pursuant to LGC 42.042(f) and the TCEQ, in accordance with LGC 42.042(f), will allow the creation since it has found that the City failed to make a legally binding commitment to provide water and wastewater services to the proposed District at a reasonable cost to the landowner.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The petition for the creation of Rockwall County Water Control and Improvement District No. 1 is hereby granted.

2. The District is created under the terms and conditions of Article XVI, Section 59 of the TEXAS CONSTITUTION and TEX. WATER CODE Chapters 49 and 51.

3. The District shall have, and shall be subject to, all of the rights, powers, privileges, authority, and functions conferred and shall be subject to all duties imposed by the TCEQ and the general laws of the State of Texas relating to water control and improvement districts.

4. The District shall be composed of the area situated wholly within Rockwall County, Texas, described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

5. The Memorandum dated May 15, 2012, attached as Exhibit "B," is hereby incorporated as part of this Order.

6. The persons listed in Recommendation No. 3 of the Memorandum are hereby named and appointed as temporary directors and shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oaths of office. All such bonds shall be approved by the Board of Directors of the District, and each bond and oath shall be filed with the District and retained in its records.

7. This Order shall in no event be construed as an approval of any proposed agreement or of any particular item in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular item or agreement in future applications submitted by the District for TCEQ consideration.

8. The Chief Clerk of the TCEQ shall forward a copy of this Order to all affected persons.

9. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

_____

For the Commission

CERTIFICATE OF SERVICE

I certify that on July 23, 2012, a copy of the foregoing document was sent by first class, agency mail, electronic mail and/or facsimile to the persons on the attached Mailing List.

Kayla Murray

Kayla Murray, Staff Attorney
Environmental Law Division

MAILING LIST
ROCKWALL COUNTY WCID NO. 1
DOCKET NO. 2009-0205-DIS; INTERNAL CONTROL NO. 06182008-D04

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