

**SOAH Docket No. 582-10-2631**

**TCEQ Docket No. 2009-1573-DIS**

<b>PETITION OF LAVON 593</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>LAND INVESTMENT</b>	<b>§</b>	
<b>PARTNERS, L.P. FOR</b>	<b>§</b>	
<b>CREATION OF COLLIN</b>	<b>§</b>	<b>OF</b>
<b>COUNTY WATER CONTROL</b>	<b>§</b>	
<b>AND IMPROVEMENT</b>	<b>§</b>	
<b>DISTRICT NO. 3</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**EXECUTIVE DIRECTOR'S EXCEPTIONS**

**TO THE PROPOSAL FOR DECISION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission), by and through a representative of the Commission's Environmental Law Division, files these exceptions to the Administrative Law Judge's (ALJ's) proposal for decision (PFD). The ED agrees with the ALJ's recommendation to grant the petition for creation of the district and supports issuance of the ALJ's proposed Order with some minor modifications, listed below.

**I. BACKGROUND**

On October 24, 2008, Applicant filed with the TCEQ its Petition for the Creation of Collin County WCID 3. The City of Wylie refused to consent to the creation of the district and requested a hearing. By Interim Order dated February 4, 2010, the Commission granted the City's hearing request and referred the case to the State Office of Administrative Hearings (SOAH). The hearing on the merits was held on September 8, 2010 at the SOAH Offices in Austin, Texas. The ALJ's PFD recommending granting the petition was issued on December 10, 2010.

## **II. ED'S RECOMMENDED MODIFICATIONS TO PROPOSED ORDER**

1. The style of the Order includes some extraneous words and should be revised to match the style of the case. The ED recommends that it be amended to read: AN ORDER granting the Petition of Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District No. 3 in Collin County, Texas, TCEQ DOCKET NO. 2009-1573-DIS; SOAH DOCKET NO. 582-10-2631.
2. Throughout the Findings of Fact, Conclusions of Law and Ordering Provisions, the district creation petition is referred to as an "application." The ED recommends that the term "application" be replaced with the term "petition" in all instances in the proposed Order for consistency with the terms used in the applicable statutes and commission rules.
3. In Finding of Fact No. 20 on page 4 of the proposed order, the phrase "wastewater treatments plants" contains an extra "s" and should be revised to read "wastewater treatment plants."
4. In Ordering Provision No. 1, the comma after the word "District" should be deleted.
5. In Ordering Provision No. 3, the City of Wylie should be ordered to pay \$910 to Lavon Land Investment Partners, rather than \$920, in order to be consistent with Finding of Fact No. 39.

ED's Exceptions to the Proposal For Decision  
Petition of Lavon 593 Partners, LP for  
the Creation of Collin County WCID No. 3  
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### III. CONCLUSION

The ED respectfully recommends that the commission adopt the PFD and grant the ALJ's proposed Order, with the modifications recommended herein.

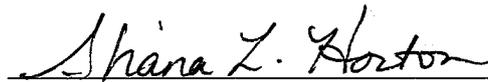
Respectfully submitted,

Texas Commission on Environmental Quality

Mark Vickery, Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Robert Martinez, Director  
Environmental Law Division



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of December, 2010, a true and correct copy of the **Executive Director's Exceptions to the Proposal for Decision** was filed with the Chief Clerk of the Texas Commission on Environmental Quality and sent by email or facsimile, as indicated, to all persons listed below.



Shana L. Horton  
Staff Attorney

The Honorable Kerrie Qualtrough,  
Administrative Law Judge  
State Office of Administrative Hearings  
By facsimile to: 512-475-4994

For the City of Wylie  
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