



December 28, 2022

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

REVIEWED

DEC 28 2022

By GCW H

Re: Application by Treasure Island Laguna Azure, LLC to the Texas Commission on Environmental Quality for creation of Grayson County Municipal Utility District No. 6-B, TCEQ Internal Control No. D-03172022-032

Dear Chief Clerk Gharis:

The City of Van Alstyne, Texas (the "City") formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to me, Emily Rogers, attorney for the City, at 3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746. My daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Treasure Island Laguna Azure, LLC is applying to the Texas Commission on Environmental Quality (the "TCEQ") for creation of a new municipal utility district entirely within the extraterritorial jurisdiction of the City of Van Alstyne. The City opposes the creation of the proposed 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 wholly 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 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.

[Print Form](#)

3711 S. Mopac Expy.
Bldg. One Suite 300
Austin, Texas 78746
Telephone: (512) 472-8021
Fax: (512) 320-5638
<http://www.bickerstaff.com>

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GRAYSON COUNTY MUNICIPAL UTILITY DISTRICT 6B

December 28, 2022
Page 2

The City has a nearby wastewater treatment plant and the existing infrastructure to transport the wastewater could be upgraded to serve the proposed development. 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, customers, and future customers. See Texas Water Code § 26.081(a). 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. 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,



Emily W. Rogers
Attorney for City of Van Alstyne

EWR/rfb

Laurie Gharis

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December 28, 2022

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

REVIEWED
DEC 28 2022
By SCW H

Re: Application by Treasure Island Laguna Azure, LLC to the Texas Commission on Environmental Quality for creation of Grayson County Municipal Utility District No. 6-A, TCEQ Internal Control No. D-03172022-031

Dear Chief Clerk Gharis:

The City of Van Alstyne, Texas (the "City") formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to me, Emily Rogers, attorney for the City, at 3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746. My daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Treasure Island Laguna Azure, LLC is applying to the Texas Commission on Environmental Quality (the "TCEQ") for creation of a new municipal utility district entirely within the extraterritorial jurisdiction of the City of Van Alstyne. The City opposes the creation of the proposed 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 wholly 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 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.

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GRAYSON COUNTY MUNICIPAL UTILITY DISTRICT 6A, CN605997162

December 28, 2022

Page 2

The City has a nearby wastewater treatment plant and the existing infrastructure to transport the wastewater could be upgraded to serve the proposed development. 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, customers, and future customers. See Texas Water Code § 26.081(a). 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. 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,



Emily W. Rogers
Attorney for City of Van Alstyne

EWR/rfb

Laurie Gharis

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