

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER regarding the petition by Earthland Farms, LLC for the creation of Duck Creek Municipal Utility District of Denton County; TCEQ Docket 2022-1631-DIS.

On January 11, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for a contested case hearing filed by Lisa and Scott Cody, Janis Massie, Glenn and Cathy McDaniel, Brian and Stacy Rushing, Bryan and Kristina Sipp, Marion Odom, Gary and Janell Shelton, Stephen and Jennifer Sutton, and Shaun and Colleen Wilson concerning the petition by Earthland Farms, LLC (Petitioner) for the creation of Duck Creek Municipal Utility District of Denton County (District). The hearing requests were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55, Subchapter G. The Commission also considered the responses to the hearing requests filed by the Executive Director, the Office of Public Interest Counsel, and the Petitioner, and all timely public comment.

After evaluation of all relevant filings, the Commission determined to grant the hearing requests of Stacy and Brian Rushing, Shaun and Colleen Wilson, Bryan and Kristina Sipp, and Marion Odom, and to refer the petition to the State Office of Administrative Hearings (SOAH) for a contested case hearing on the petition. The Commission also referred this matter to the

Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts.

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

1. The requests for contested case hearing submitted by Stacy and Brian Rushing, Shaun and Colleen Wilson, Bryan and Kristina Sipp, and Marion Odom are hereby GRANTED;
2. All remaining hearing requests are hereby DENIED;
3. The Chief Clerk shall REFER this matter to SOAH for a contested case hearing on the Petition;
4. This matter is hereby REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling process; and
5. 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Jon Niermann, Chairman

JN
22/ January 17, 2023

Date Signed