

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

May 30, 2024

Mr. Kevin Flahive  
Armbrust & Brown, PLLC  
100 Congress Ave, Suite 1300  
Austin, Texas 78701

Re: Publication of Notice of Petition for Creation of Caldwell County Municipal Utility  
District No. 9  
TCEQ Internal Control No. D-03282024-058

Dear Mr. Flahive:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact Daniel Harrison in the District Administration Office at 512/239-1224 if the notice is found to be in error.

This full notice, including Exhibit A, must be published in accordance with 30 Texas Administrative Code Section 293.12, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the proposed district is to be located. Publication shall be once a week for two consecutive weeks. The 30-day comment period will begin on the day after the date of the **second** publication.


In addition, pursuant to 30 Texas Administrative Code 293.12, you are required to post the enclosed notice, including Exhibit A, on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located. This notice should be posted so that it is available to the public no later than the date of your second newspaper publication.

After notice has been published and posted in accordance with 293.12, please provide proof of these actions to the Chief Clerks Office (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. The proof of posting can be in the form of an affidavit signed by a representative for the proposed district, stating all facts of the posting action.

The Chief Clerk's Office should receive all affidavits no later than 14 days after the second publication of the notice in the newspaper.

If you have any questions regarding these publication requirements, please contact Georgia Carroll-Warren in this office at 512/239-3314.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis  
Chief Clerk

LG/ ev  
Enclosures

cc: To all on attached mailing list.

## MAILING LIST

Caldwell County Municipal Utility District No. 9  
TCEQ Internal Control No. D-03282024-058

Mr. Kevin Flahive  
Armbrust & Brown, PLLC  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701

Mr. Chris S. Ulmann, P.E.  
Jones-Heroy & Associates, Inc.  
13915 North Mopac Expressway, Suite 408  
Austin, Texas 78731

Mr. Benjamin Green  
Kimley-Horn  
2600 Via Fortuna, Suite 300  
Austin, Texas 78746

Ms. Lori Wilson, Regional Director  
TCEQ Region 11  
P O Box 13087  
Austin, Texas 78711-3087

The Honorable Judith Zaffirini  
Texas Senate District 21  
1407 Washington Street  
Laredo, Texas 78040

The Honorable Stan Gerdes  
Texas House District 17  
1011 Alley A Street, #B  
Bastrop, Texas 78602

Caldwell County Clerk  
Attn: Ms. Teresa Rodriguez  
1703 South Colorado Street, Box 1, Suite 1200  
Lockhart, Texas 78644

Caldwell County Judge  
Attn: Honorable Hoppy Haden  
110 South Main Street, 1st Floor  
Lockhart, Texas 78644

Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173  
Kayla Murray, Staff Attorney, Environmental Law Division, MC-173  
Daniel Harrison, Technical Reviewer, Districts Bond Team, MC-152  
Justin P. Taack, Manager, Districts Section, MC-152  
Michelle Voytko, Data Infrastructure Specialist, Water Supply Division, MC-153  
Garrett T. Arthur, Office of the Public Interest Counsel, MC-103

TCEQ - Office of the Chief Clerk  
MC-105 Attention: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: CALDWELL COUNTY MUD 9  
TCEQ Tracking No. D-03282024-058 CID Item No. 137550  
Application Type: PETITION FOR CREATION OF A DISTRICT

**AFFIDAVIT OF PUBLICATION**

STATE OF TEXAS §  
COUNTY OF: \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of newspaper representative)*

of the \_\_\_\_\_; that said newspaper is  
*(name of newspaper)*

regularly published or circulated in \_\_\_\_\_ County/Countries,  
*(name of county or counties)*

Texas; that the attached notice was published in said newspaper on the following dates:  
\_\_\_\_\_  
*(date or dates of publication)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION REVISED TCEQ Internal Control No. D-03282024-058

**PETITION.** RFJJ3 Investments, LLC, a Texas limited liability company, ("Petitioner") filed a petition for creation of Caldwell County Municipal Utility District No. 9 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article III, Section 52 and Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code (TWC); 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner is the owner of a majority of the assessed value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 89.19 acres of land, located within Caldwell County, Texas; and (4) the land to be included in the proposed District is not within the corporate limits or the extraterritorial jurisdiction of any city or municipality.

The land to be included in the proposed District is depicted on the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the proposed District will design, construct, acquire, improve, extend, finance, and issue bonds for: (1) maintenance, operation, and conveyance of an adequate and efficient water works and sanitary sewer system for domestic purposes; (2) maintenance, operation and conveyance of works, improvements, facilities, plants equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters; (3) conveyance of roads and improvements in aid of roads; and (4) maintenance, operation and conveyance of such other additional facilities, systems, plants and enterprises as may be consistent with any or all of the purposes for which the District is created.

According to the petition, a preliminary investigation has been made to determine the cost of purchasing and constructing the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$19,655,000.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

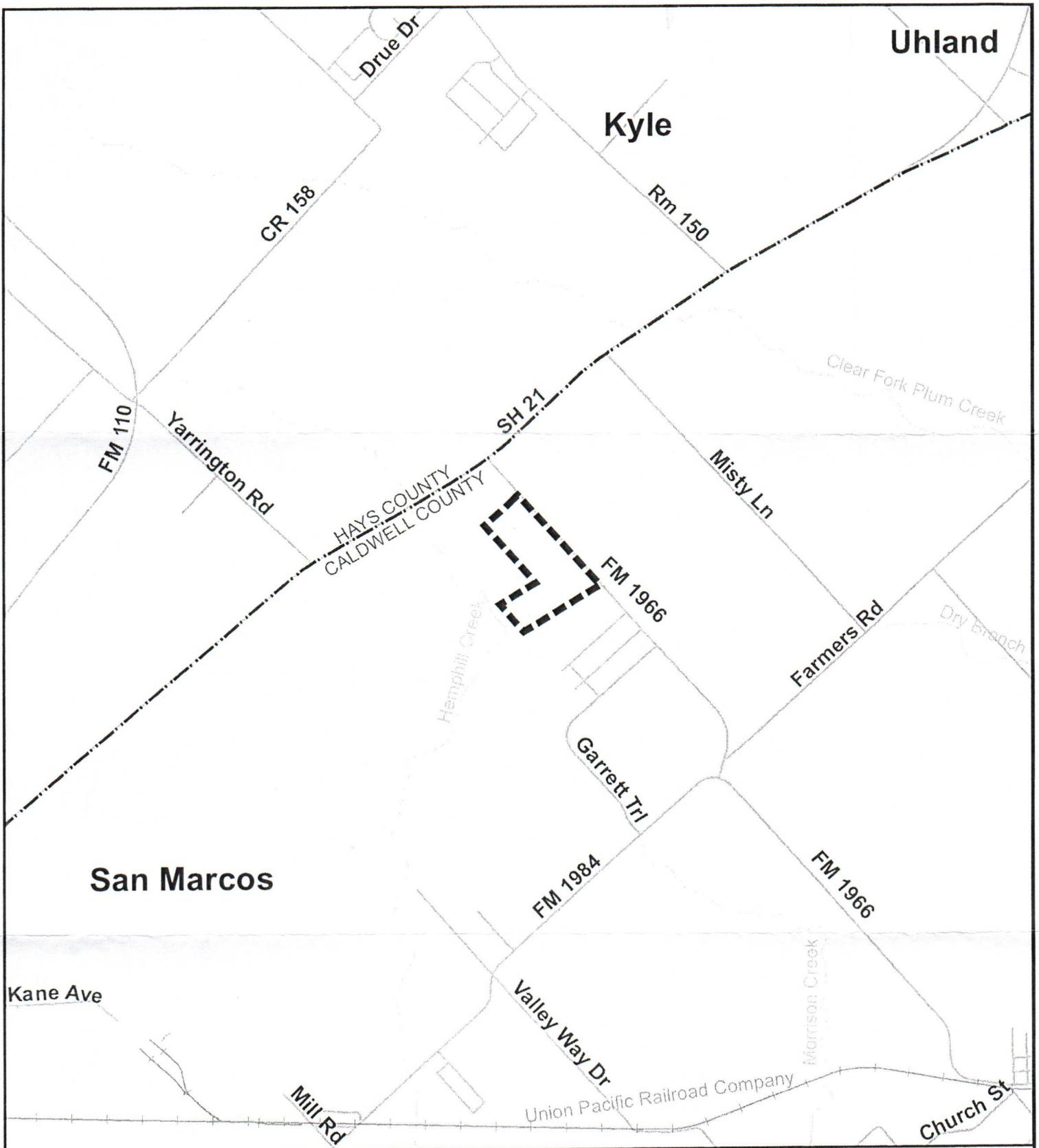
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed

adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P. O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. General information regarding TCEQ can be found at our web site <http://www.tceq.texas.gov/>.

Issued: May 30, 2024

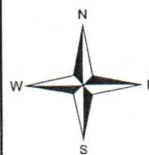


**Legend:**

-  District Boundary
-  Major Roads
-  County Border

**Caldwell County Municipal Utility District No. 9  
General Vicinity Map**

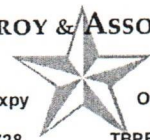
Project Name:  
Caldwell County MUD No. 9  
(Sunset Oaks) Creation  
Project Number:  
0513-002  
Version:  
Preliminary Boundary  
Date:  
May 2024



0                      3,000                      6,000  
Feet

**JONES - HEROY & ASSOCIATES, INC.**

13915 N. Mopac Expy  
Suite 408  
Austin, Texas 78728



Office: (512) 989-2200  
Fax: (512) 989-2213  
TBPE Reg. Firm F-006320