

office, the Texas state representative, and the Texas state senator, was included in the application.

According to the Petition, the proposed District would contain approximately 278.915 acres located east of County Road 101 and is bound by Chandler Road to the south and Williamson County Municipal Utility District 48 to the north. The tract lies outside of any city limits and is solely within unincorporated Williamson County. Access to the proposed District will be provided on the south side on Chandler Road and on the west side on County Road 101.

The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) to collect, transport, process, dispose of and control domestic, and commercial wastes; (3) to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; (4) to design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; (5) to design, acquire, construct, finance, improve, and maintain parks and recreational facilities; and (6) to purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the proposed District is created.

The proposed District will be considered a “developer project” as defined by 30 Tex. Admin. Code § 293.44(a). Therefore, in accordance with 30 Tex. Admin. Code § 293.47, developer cost participation will be required.

Included with the ED’s Response to a Hearing Request are two maps of the proposed District.

III. PROCEDURAL HISTORY

The Petitioner filed a petition with the TCEQ for the creation of the District, and it was declared administratively complete on January 10, 2024. The Notice of District Petition was published in the *Hill Country News*, a newspaper generally published or circulated in Williamson County, where the District is proposed to be located, on May

16 and May 23, 2024. The Notice of District Petition was also posted on the bulletin board used for posting legal notices in Williamson County on May 9, 2024.

The TCEQ received comments opposing the creation of the district and a request for a contested case hearing from Williamson County. The period to request a contested case hearing ended on June 24, 2024. The Office of the Chief Clerk sent notice of the agenda setting for the Commission's consideration of the hearing request on November 13, 2024.

IV. CREATION OF MUNICIPAL UTILITY DISTRICTS

A. District Purpose

A municipal utility district (MUD) may be created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59, of the Texas Constitution.¹ The District in this case is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59, of the Texas Constitution and Chapters 49 and 54 of the Tex. Water Code.

A MUD may be created for the following purposes:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and

¹ TEX. WATER CODE § 54.011.

(8) the preservation of all natural resources of the state.²

The Commission has jurisdiction to hear this case and create the District.³

B. Required Findings

The Commission must grant or deny a MUD creation application in accordance with Tex. Water Code § 54.021. In order to grant an application, the Commission must find that organization of the district as requested is feasible and practicable and is necessary and would be a benefit to the land to be included in the district.⁴ If the Commission fails to make these findings, it shall refuse to grant the petition.⁵

In determining if a project is feasible and practicable and if it is necessary and would be a benefit to the land included in the district, the Commission shall consider:

- (1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;
- (2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and
- (3) whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:
 - (A) land elevation;
 - (B) subsidence;
 - (C) groundwater level within the region;
 - (D) recharge capability of a groundwater source;
 - (E) natural run-off rates and drainage;
 - (F) water quality; and
 - (G) total tax assessments on all land located within a district.⁶

² TEX. WATER CODE § 54.012.

³ TEX. WATER CODE § 54.014.

⁴ TEX. WATER CODE § 54.021(a); 30 TEX. ADMIN. CODE § 293.13(b)(1).

⁵ TEX. WATER CODE § 54.021(d); 30 TEX. ADMIN. CODE § 293.13(a).

⁶ TEX. WATER CODE § 54.021(b).

The Commission, however, must exclude the areas that it finds would not be benefited by the creation of the district and must redefine the boundaries of the proposed district according to its findings.⁷

V. EVALUATION PROCESS FOR HEARING REQUESTS

As the application was declared administratively complete after September 1, 1999, it is subject to the requirements of Title 30, Chapter 55, Subchapter G, Sections 55.250-55.256 of the Tex. Admin. Code. The Commission, the Executive Director, the Petitioner, or affected persons may request a contested case hearing on this application.⁸ The Commission must evaluate the hearing requests and may take one of the following actions:

- (1) determine that the hearing requests do not meet the rule requirements and act on the application;
- (2) determine that the hearing requests do not meet the rule requirements and refer the application to a public meeting to develop public comment before acting on the application;
- (3) determine that the hearing requests meet the rule requirements and refer the application to the State Office of Administrative Hearings (“SOAH”) for a hearing; or
- (4) refer the hearing requests to SOAH for a hearing on whether the hearing requests meet the rule requirements.⁹

The regulations provide that a hearing request made by an affected person must be in writing and must be filed with the Office of the Chief Clerk within the time provided in the Notice of District Petition.¹⁰ These two requirements are mandatory. The affected person’s hearing request must also substantially comply with the following:

- (1) give the name, address, and daytime telephone number of the person who files the request;

⁷ 30 TEX. ADMIN. CODE § 293.13(b)(2); TEX. WATER CODE § 54.021(c).

⁸ 30 TEX. ADMIN. CODE § 55.251(a).

⁹ 30 TEX. ADMIN. CODE § 55.255(a).

¹⁰ 30 TEX. ADMIN. CODE § 55.251(b) and (d).

- (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public;
- (3) request a contested case hearing; and
- (4) provide any other information specified in the public notice of application.¹¹

An affected person's personal justiciable interest must be related to a legal right, duty, privilege, power, or economic interest affected by the application belonging to the requestor and not an interest common to members of the general public.¹² The regulations give the Commission flexibility to determine affected person status by considering any relevant factor, including the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; and
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person.
- (6) For governmental entities, their statutory authority over or interest in the issues relevant to the application.¹³

¹¹ 30 TEX. ADMIN. CODE § 55.251(c).

¹² 30 TEX. ADMIN. CODE § 55.256(a).

¹³ 30 TEX. ADMIN. CODE § 55.256(c).

VI. HEARING REQUEST

Williamson County, through its representative Bill Gravell, Jr., submitted a timely request which contained the name, address, and phone number of the person filing the request pursuant to 30 TAC § 55.251(c)(1). According to the petition, the proposed District will be located entirely within Williamson County. Williamson County requested a contested case hearing pursuant to 30 TAC § 55.251(c)(3) and included the internal control number in its request, as required in the notice pursuant to 30 TAC § 55.251(c)(4).

In its request, Williamson County discussed its statutory authority over road construction in subdivisions,¹⁴ order and rulemaking authority over roads,¹⁵ authority over the fire code in unincorporated areas,¹⁶ authority over infrastructure planning,¹⁷ authority over building and setback lines,¹⁸ authority over emergency management,¹⁹ general control over roads, highways, and bridges,²⁰ and authority over drainage on public roads.²¹

Under both 30 TAC §§ 55.256(b) & (c)(6), governmental entities with authority over issues relevant to the application may be considered affected persons. Thus, in order for a governmental entity to be an affected person, that entity's statutory authority must be relevant to at least one of the issues the Commission may consider as part of the review of the application.

Pursuant to TWC § 54.021(b), granting road powers to the proposed District is an issue that is part of the creation petition review process and part of the TCEQ's decision on the petition. As a result, the road powers issue is relevant to the application. As discussed above, Williamson County's hearing request described the statutory authority it has over roads constructed in the county, which is an issue relevant to the application. As a result, Williamson County has shown that it is an affected person pursuant to 30 TAC § 55.256(c)(6). The other issues raised by

¹⁴ Tex. Local Gov't Code §§ 232.001-.011.

¹⁵ Tex. Local Gov't Code § 251.003.

¹⁶ Tex. Local Gov't Code, Ch. 233, Subchapter C; *see also* Tex. Local Gov't Code, Ch. 233, Subchapter E.

¹⁷ Tex. Local Gov't Code, Ch. 232, Subchapter E.

¹⁸ Tex. Local Gov't Code, Ch. 233, Subchapter B.

¹⁹ Tex. Local Gov't Code, Ch. 418.

²⁰ Tex. Transp. Code § 251.016.

²¹ Tex. Transp. Code, Ch. 254.

Williamson County are outside of TCEQ's jurisdiction to consider as part of the MUD creation process.

VII. RECOMMENDATION

The Executive Director recommends that the Commission grant the hearing request of Williamson County.

If the Commission chooses to deny the hearing request, then the Executive Director recommends that the creation petition be granted.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Bradford Eckhart, Staff Attorney
Environmental Law Division
State Bar No. 24137368
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Phone: (512) 239-1283
Email: Bradford.eckhart@tceq.texas.gov



Kayla Murray, Staff Attorney
Environmental Law Division
State Bar No. 24049282
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Phone: (512) 239-4761
Email: Kayla.murray@tceq.texas.gov

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

VIII. CERTIFICATE OF SERVICE

I certify that on November 25, 2024, the original of the “Executive Director’s Response to Hearing Requests” for Creation of Williamson County Municipal Utility District No. 50, Internal Control No. D-01092024-012, was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.

Bradford S Eckhart

Bradford Eckhart, Staff Attorney
State Bar No. 24137368

MAILING LIST
Williamson County Municipal Utility District 50
Docket No. 2024-1722-DIS; Internal Control No. D-01092024-012

FOR THE APPLICANT
via First Class Mail

Laken Jenkins Kilgore
Coats Rose PC
9 Greenway Plaza, Suite 1000
Houston, Texas 77046

Ryan Quinn
Quiddity Engineering LLC
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

REQUESTER(S)

Bill Gravell Jr., County Judge
Williamson County
3151 SE Inner Loop
Georgetown, Texas 78626

INTERESTED PERSON(S)

Mr. Adam D. Boatright
Williamson County
3151 SE Inner Loop
Georgetown, Texas 78626

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Bradford Eckhart, Staff Attorney
Texas Commission on
Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Kayla Murray, Staff Attorney
Texas Commission on
Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Pirainder Lall, Technical Staff
Texas Commission on
Environmental Quality
Water Supply Division, MC-152
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on
Environmental Quality
External Relations Division, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Public Interest Counsel
Texas Commission on
Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on
Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK:

Docket Clerk
Texas Commission on Environmental
Quality Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efilings>

Attachment A

Proposed Williamson County MUD 50

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

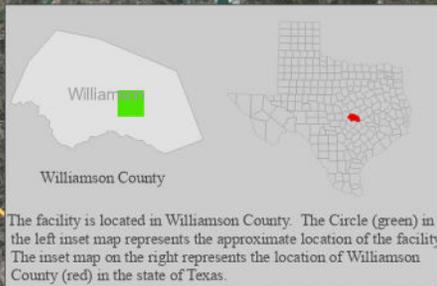
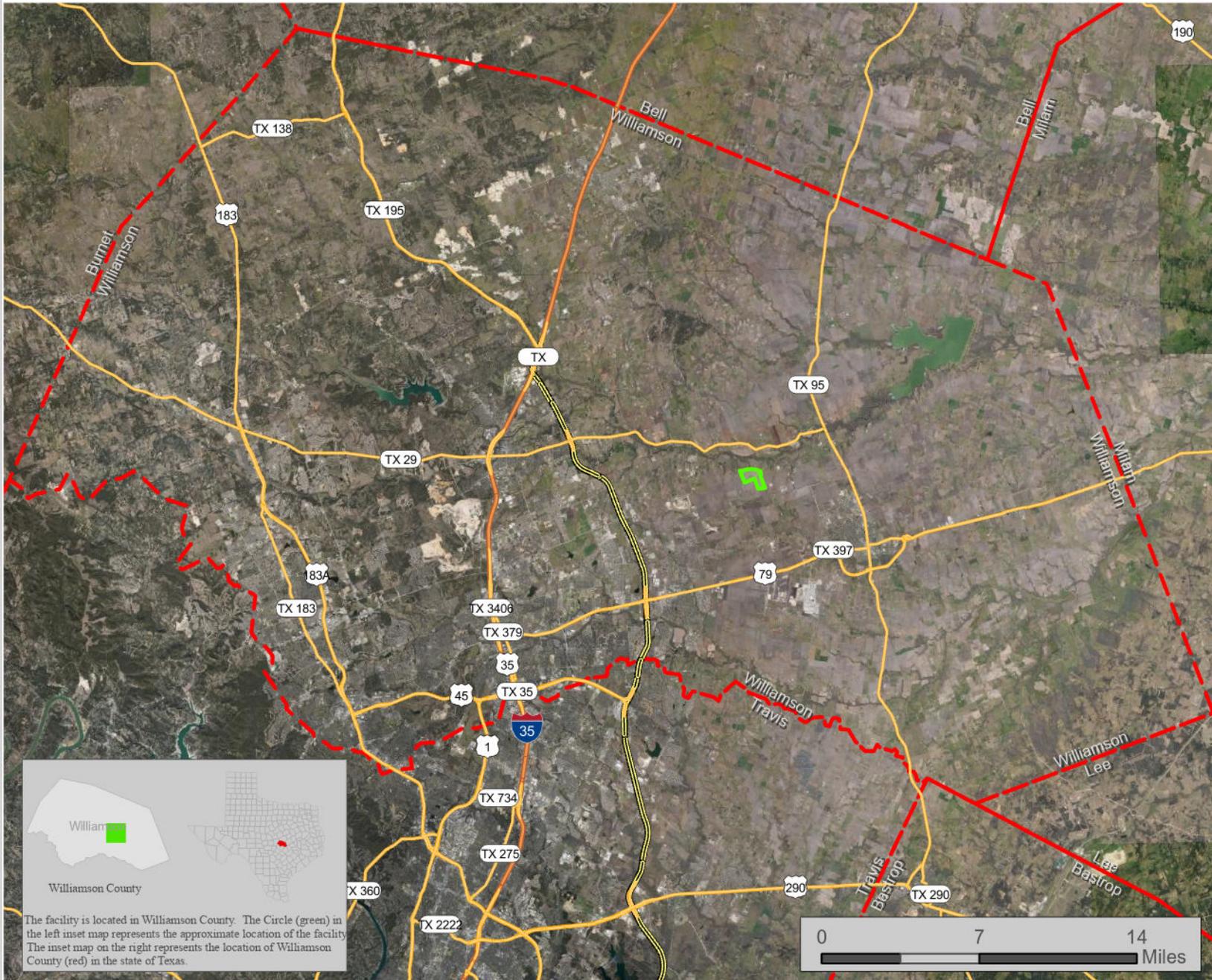
Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 11/12/2024
CRF 0114057
Cartographer: AProvenc

N



Legend

- Proposed District
- County Boundary



The facility is located in Williamson County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Williamson County (red) in the state of Texas.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



Proposed Williamson County MUD 50

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

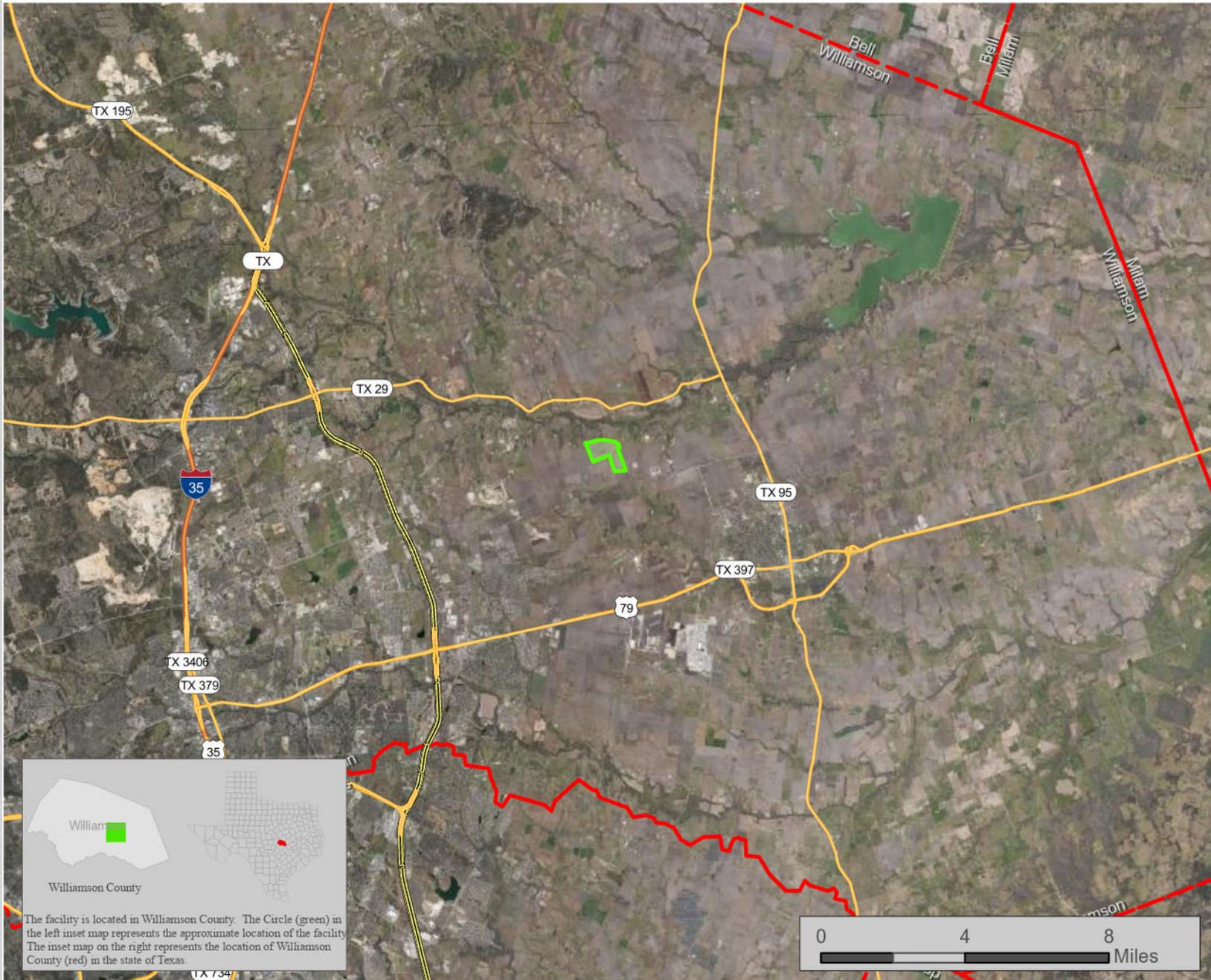
Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 11/12/2024
CRF 0114057
Cartographer: AProvenc

N



Legend

- Proposed District
- County Boundary



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

The facility is located in Williamson County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Williamson County (red) in the state of Texas.

