TCEQ DOCKET NO. 2025-1048-MWD

APPLICATION BY EAST WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT FOR NEW TEXAS POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NO. WQ001635001	**§**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

JOINT MOTION TO ABATE

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVRIONMENTAL QUALITY:

COME NOW, East Williamson County Municipal Utility District No. 1 (Applicant or District) and First United Bank, and file this Joint Motion to Abate, and would respectfully show the following:

On August 1, 2025, the Office of the Chief Clerk of the Texas Commission on Environmental Quality (Commission or TCEQ) issued an agenda setting letter notifying interested parties that the Commission would consider hearing requests in this wastewater permitting docket on September 10, 2025. This setting is premature. First United Bank is not the Applicant and has not filed a comment or hearing request in this matter, but it is an interested party.

After the subject TPDES application was filed, the owner of the property where the proposed wastewater treatment plant (WWTP) will be located entered Chapter 7 involuntary bankruptcy. The bankruptcy proceeding, *In re HPV Family, LLC*, Case No. 24-10313-cgb (Bankr. W.D. Texas, Austin Division, 2024), resulted in the change of ownership of the land where the WWTP would be located as well as the development area to be served. That land is now owned by First United Bank as a creditor in bankruptcy, but only temporarily. First United Bank is currently in the process of selling the property to a new owner who is not identified in the Application. Finalizing the sale of the subject property will take longer than the two and a half weeks before the September 10, 2025 agenda. Additionally, undersigned counsel for First United

Bank has previously apprised the Commission's Office of General Counsel that she is unavailable to appear before the Commission on September 10.[1]

Accordingly, because circumstances have significantly changed since the Application was filed which may result in amendment or even withdrawal, there is no current need or urgency for the Commission to consider the hearing request at its upcoming agenda and an abatement is justified. Applicant and First United Bank have conferred with hearing requestor Jonah Water Special Utility District, the Executive Director and the Office of Public Interest Counsel and none oppose a 120-day abatement so that First United Bank can finalize the sale of the WWTP property and take appropriate action thereafter. Such abatement is not sought for delay but in good faith and for the purposes of judicial economy.

For the foregoing reasons, Applicant and First United Bank respectfully request that the Commission abate this docket for 120 days and grant all other relief to which they are entitled.

Respectfully submitted,

Helen S. Gilbert

By:_____

Helen S. Gilbert
State Bar No. 00786263
BARTON BENSON JONES, PLLC
7000 N. MoPac Expwy, Suite 200
Austin, Texas 78731
Telephone: (512) 565-4995
hgilbert@bartonbensonjones.com

ATTORNEY FOR FIRST UNITED BANK

[1] *See Application of Municipal Operations, LLC for New TPDES Permit No. WQ0016171001*; TCEQ Docket No. 2024-0670-MWD, SOAH Docket No. 582-25-01778 (Letter from Helen Gilbert to General Counsel Mary Smith of July 17. 2025).

By: _____

Joshua J. Kahn
State Bar No. 24032612
SANFORD KUHL HAGAN KUGLE
PARKER KAHN, LLP
1330 Post Oak Blvd, Suite 2650
Houston, Texas 77056
Telephone: (713) 850-9000
kahn@sklaw.us

ATTORNEY FOR EAST WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on this 21st day of August 2025:

Joshua J. Kahn
Sanford Kuhl Hagan Kugle Parker Kahn LLP
1330 Post Oak Boulevard, Suite 2650
Houston, Texas 77056
Tel.: (713) 850-9000
Kahn@sklaw.us

John Carlton
Carlton Law Firm
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
Tel.: (512) 614-0901
John@Carltonlawaustin.com

Todd Galiga, Senior Attorney
Office of Legal Services
TCEQ-MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Tel.: (512) 239-0600
Todd.Galiga@tceq.texas.gov

Pranjal Mehta
Office of the Public Interest Counsel
TCEQ-MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Tel.: (512) 239-6363
Pranjal.Mehta@tceq.texas.gov

Helen S. Gilbert

By: Helen S. Gilbert