

DOCKET NO. 2025-1323-MWD

APPLICATION BY
VISTA TOWNHOMES LLC
FOR TEXAS LAND
APPLICATION PERMIT
NO. WQ0016355002

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request (Response) on the application by Vista Townhomes LLC (Applicant) for Texas Land Application Permit (TLAP) Permit Number WQ0016355002 and the Executive Director's preliminary decision. The Office of the Chief Clerk received contested case hearing requests from The City of Georgetown, Casey Toole, and Allyson Almeida.

Attached for Commission consideration:

- Attachment A: Executive Director's GIS Maps (2) and appendix
- Attachment B: City of Georgetown Resolution adjusting the limits of the City's ETJ to remove the area where the proposed facility is to be located.

II. Description of Facility

Vista Townhomes has applied for a new permit, Permit No. WQ0016355002, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 24,000 gallons per day via surface irrigation of 6.5 acres of land. The proposed WWTF will serve the Vista Townhomes residential development.

If the permit is issued, the Vista Townhomes WWTF will consist of an activated sludge process plant using the conventional mode for secondary treatment and a membrane bioreactor (MBR) for solids separation. Treatment units will include headworks with fine screening, an equalization tank, six aerations basins with MBRs, an Ultraviolet Light (UV) unit, a sludge holding tank, and a sludge dewatering screw press.

The wastewater treatment facility and disposal site will be located approximately 0.4 miles north of the intersection of Vista Heights Drive and State Highway 29 West, in Williamson County, Texas 78628. The wastewater treatment facility and disposal site will be located in the drainage basin of Middle Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin.

The draft permit does not authorize a discharge to surface water. If the draft permit is issued, 24,000 gallons of treated effluent would be authorized to be land applied by surface irrigation, to 6.5 acres of land. Application rates to the irrigated land shall not exceed 3.88 acre-feet per year per acre irrigated. The irrigated crops will include Bermuda grass and Rye crops.

III. Procedural Background

The permit application was received on February 26, 2024, and declared administratively complete on March 22, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on April 3, 2024 in the *Williamson County Sun* and the *El Mundo* Newspaper. The Notice of Application and Preliminary Decision (NAPD) was published on November 7, 2024 in the *Williamson County Sun* and the *El Mundo* Newspaper. No public meeting was held.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

IV. The Evaluation Process for Hearing Requests

Because the application was received after September 1, 2015, and declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801 (HB-801), 76th Legislature, 1999, and requirements of Senate Bill 709 (SB-709), 84th Legislature, 2015, which are implemented through the TCEQ rules in 30 TAC Chapters 39, 50, and specifically 55, the TCEQ's Contested Case Hearing rules.

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests (Requests). The Commission implemented HB 801 by adopting procedural rules in 30 TAC chapters 39, 50, and 55. Senate Bill 709 revised the requirements for submitting public comment and the commission's consideration of Hearing Requests.

A. *Legal Authority to Respond to Hearing Requests*

The Executive Director may submit written responses to requests. Responses to hearing requests must specifically address:

1. whether the requestor is an affected person;
2. whether issues raised in the hearing request are disputed;
3. whether the dispute involves questions of fact or law;
4. whether the issues were raised during the public comment period;
5. whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
6. whether the issues are relevant and material to the decision on the application; and
7. a maximum expected duration for the contested case hearing.

B. Hearing Request Requirements

To consider a request, the Commission must first conclude that the requirements of the TCEQ's Contested Case Hearing rules found at 30 TAC §§ 55.201 and 55.203 are met as follows.

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . ., based only on the requester's timely comments, and not based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.

A hearing request must substantially comply with the following:

- (1) give the name, address, telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who is responsible for receiving all official communications and documents for the group;
- (2) identify the person's 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 facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) for applications filed;
 - (B) on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

C. Provisions for Affected-Person Status

To grant a contested case hearing request, the commission must determine, pursuant to the TCEQ's Contested Case Hearing rules, that a requestor is an "affected person" according to the provisions of 30 TAC § 55.203.

- (a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, 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;
 - (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
 - (6) whether the requester timely submitted comments on the application which were not withdrawn; and
 - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.
- (d) In making this determination, the commission may also consider, to the extent consistent with case law:
 - (1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
 - (2) the analysis and opinions of the ED; and
 - (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

D. Requests by a Group or Association

To grant a hearing request from a group or association under the TCEQ's Contested Case Hearing rules, the commission must determine that the group or association has complied with all the required provisions found in 30 TAC § 55.205(b)(1)-(4) to be found "affected" and granted Associational Standing.

- (b) For applications filed on or after September 1, 2015, a request by a group or association for a contested case may not be granted unless all of the following requirements are met:
 - (1) comments on the application are submitted timely by the group or association;
 - (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have stood to request a hearing in their own right;
 - (3) the interests the group or association seeks to protect are germane to the organization's purpose; and

- (4) neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

E. Referral to the State Office of Administrative Hearings

When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to State Office of Administrative Hearing (SOAH) for a hearing. The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application.

F. Requests for Reconsideration

TCEQ's Contested Case Hearing rules state that any person may file a Request for Reconsideration (RFR) of the Executive Director's decision no later than 30 days after TCEQ Chief Clerk's Office (CCO) mails the Executive Director's decision and Response to Comments (RTC). According to TCEQ's Contested Case Hearing rules found at 30 TAC § 55.201(e), the RFR must be in writing, timely filed with CCO, and expressly state that the person is requesting reconsideration of the Executive Director's decision and give the reasons why the decision should be reconsidered.

V. Analysis of Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Whether the Hearing Requests Complied with Section 55.201(c) and (d).

1. Casey Toole

Casey Toole filed a timely written Request that provided the requisite contact information, raised issues that form the basis of her Request in timely comments not withdrawn before the RTC was filed, and requested a hearing.

Ms. Toole's Request complied with 30 TAC §§ 55.201(c) and (d) because the Request effectively identified personal justiciable interests in a written explanation plainly describing why she believes she will be affected by the application in a way not common to the public. The GIS Map prepared by the Executive Director's staff shows that Ms. Toole's property is within a half mile from the proposed facility. Ms. Toole raised issues related to odor and general water quality issues relating to potential discharge to surface water.

2. Allyson Almeida

Allyson Almeida filed a timely, written Request that provided the requisite

contact information, raised issues that form the basis of her Request in timely comments not withdrawn before the RTC was filed, and requested a hearing.

However, Ms. Almeida's request does not comply with 30 TAC Sections 55.201(c) and (d) because her request does not describe why she is affected by the application in a way not common to members of the general public. Her request only states "I would like to request a public hearing regarding this recently submitted permit application. I have previously submitted comments and concerns over this permit, however, at that time I failed to request a public hearing on this matter."

While Ms. Almeida's requests comply with the procedural requirements of 30 TAC § 55.201(c), they do not include sufficient information describing her location relative to the proposed facility or explaining how she would be affected in a manner not common to the general public. Because her requests do not identify a personal, justiciable interest, the Executive Director did not conduct further analysis under the affected person provisions of 30 TAC § 55.203.

3. The City of Georgetown

The City of Georgetown submitted timely comments and hearing requests which articulate several concerns the city has with the permit application. 30 TAC § 55.203(b) provides that governmental authorities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons. Additionally, 30 TAC § 55.203(c)(7) provides that in determining whether a person is affected, factors considered for governmental entities includes their statutory authority over or interest in the issues relevant to the application.

In their hearing requests The City of Georgetown states that the city is a governmental entity that provides wastewater treatment services to areas both inside and outside of its corporate limits and has a unique interest in the effects the proposed facility will have on public health, safety, and welfare within its jurisdiction.

The City of Georgetown requested a hearing on specific issues related to regionalization, contamination of groundwater, soil suitability, sufficient conditions and monitoring requirements, and general health and safety concerns.

However, the City of Georgetown acknowledges that the proposed facility is outside of the city boundaries and their extra territorial jurisdiction (ETJ). The City also acknowledges that the Applicant approached them regarding wastewater services in their hearing request, but no agreement was reached.

The Executive Director concludes that the hearing request filed by The City of Georgetown fails to comply with section 55.201(d) requirements because it does not identify a personable justiciable interest.

B. Whether the Requestor is an affected person under 30 TAC Section 55. 203

1. Casey Toole filed a request that effectively identified a personal justiciable interest potentially affected by the application.

Casey Toole's proximity to the proposed facility, in conjunction with the issues she raised, lead the Executive Director to determine that she has a personal justiciable interest related to a legal right or duty affected by the application that is not common to the general public.

Therefore, the ED recommends the Commission find that Casey Toole is an affected person under 30 TAC § 55.203 and grant her hearing request.

C. Whether Issues Raised Are Referable to SOAH for a Contested Case.

The following issues were raised in the hearing requests that the Executive Director recommends the Commission grant.

1. Whether the operation of the proposed facility and the land application of wastewater will result in nuisance odors.
2. Whether the draft permit is adequately protective of water quality and the receiving waters including wildlife in accordance with applicable regulations.

VI. Analysis of Request for Reconsideration

The Chief Clerk received timely requests for reconsideration (RFR) from The City of Georgetown. As required by 30 Texas Administrative Code § 55.201(d), The City submitted the request in writing, and provided their representative's name, address, and daytime telephone number.

The RFRs did not present any new information not already considered by the Executive Director during the application review process. Therefore, the Executive Director recommends denial of the RFRs.

VII. Contested Case Hearing Duration

If there is a contested case hearing on this application, the Executive Director recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a Proposal for Decision to the Commission.

VIII. Executive Director's recommendations

The Executive Director recommends the following actions by the Commission:

1. Grant the hearing request of Casey Toole.
2. Find that The City of Georgetown and Allyson Almeida are not affected persons and deny their hearing requests.

3. Should the Commission decide to refer this case to SOAH:
- a. Refer the case to Alternative Dispute Resolution for a reasonable time; and
 - b. Refer the issues identified in Section V above to SOAH for a contested case hearing.

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



Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869
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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

IX. CERTIFICATE OF SERVICE

I certify that on October 10, 2025, the “Executive Director’s Response to Hearing Request” for major amendment to Texas Land Application Permit (TLAP) No. WQ0016355002 by Vista Townhomes, LLC was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869

MAILING LIST
VISTA TOWNHOMES AUSTIN LLC
TCEQ Docket No./TCEQ Expediente N.º 2025-1323-MWD;
Permit No./ Permiso N.º WQ0016355002

FOR THE APPLICANT/PARA EL SOLICITANTE

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Ashley Lewis, Water Quality/Permitting
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FOR PUBLIC INTEREST COUNSEL/PARA ABOGADOS DE INTERÉS PÚBLICO

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FOR ALTERNATIVE DISPUTE RESOLUTION/PARA LA RESOLUCIÓN ALTERNATIVA DE DISPUTAS

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REQUESTER(S)/SOLICITANTE(S)/

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Georgetown Tx 78628-2011

Faulk, Cody
Spencer Fane LLP
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816 Congress Ave
Austin Tx 78701-2442

Toole, Casey
10912 Vista Heights Dr
Georgetown Tx 78628-2011

Attachment A

Vista Townhomes - WQ0016355002

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

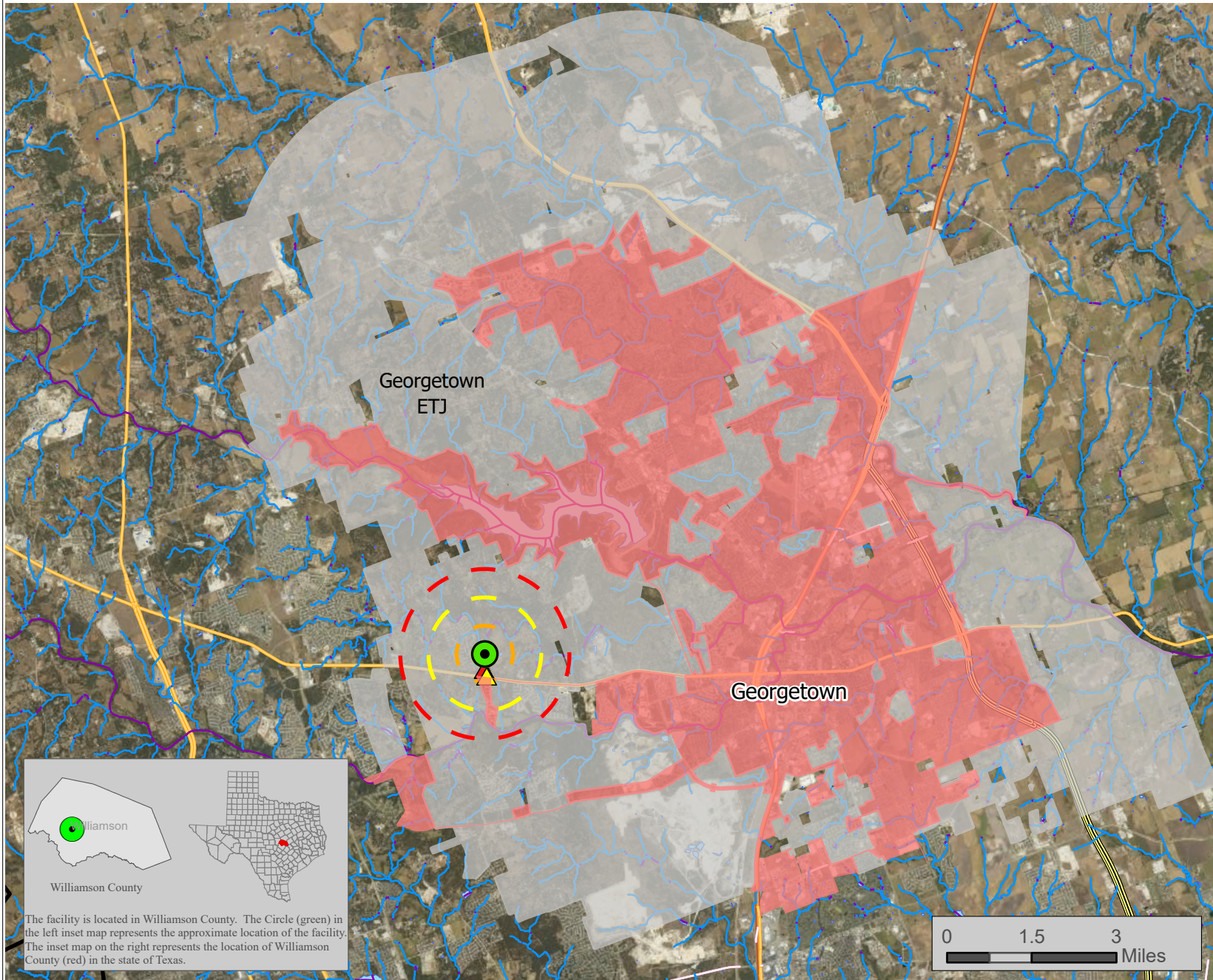


*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 10/3/2025
CRF 0127449
Cartographer: mattoh



-  Facility Point
-  Allyson Almeida
-  Casey Toole
-  0.5-Mile Radius From Facility Point
-  1.0-Mile Radius From Facility Point
-  1.5-Mile Radius From Facility Point
-  City of Georgetown
-  City of Georgetown ETJ
-  County Boundary
-  Stream/River
-  Artificial Path



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.

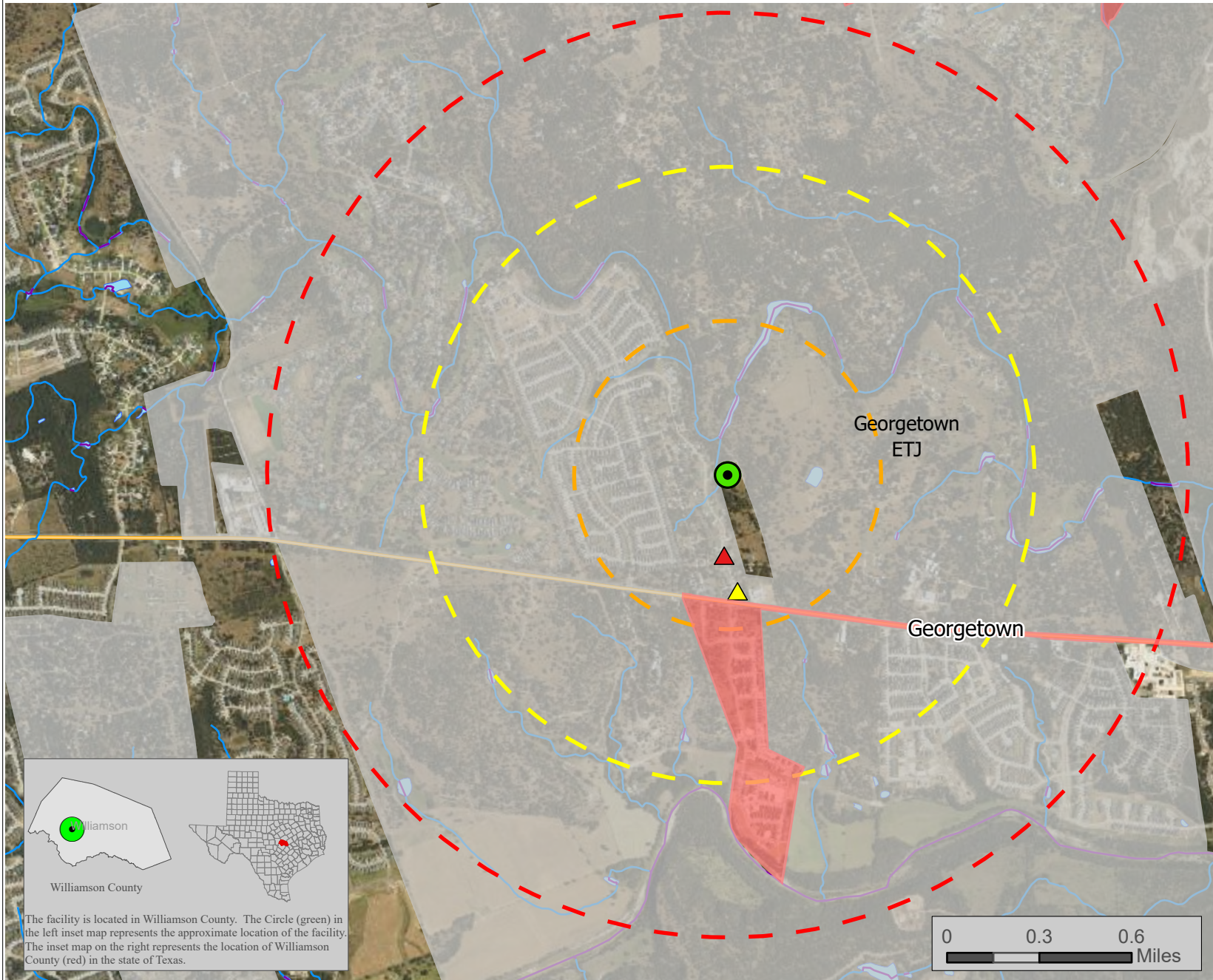
Vista Townhomes - WQ0016355002

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



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Reducing and
Preventing Pollution*

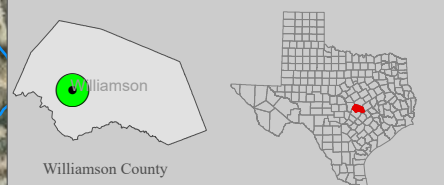
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- Facility Point
- Allyson Almeida
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- 0.5-Mile Radius From Facility Point
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The facility is located in Williamson County. The Circle (green) in the 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.

Appendix A for Vista Townhomes Austin LLC WQ0016355002

Name	Address	State	Lat	Long	Distance to Facility Point (Miles)	Distance to Facility Point (Miles)
Allyson Almeida	10901 Vista Heights Dr	TX	30.635879	-97.772679	0.26	0.15
Casey Toole	10912 Vista Heights Dr.	TX	30.63419	-97.771989	0.37	0.03
Facility Point	-	TX	30.639617	-97.772399	-	0.42

Attachment B

RESOLUTION NO. 112624-5.M

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS (“GEORGETOWN”) RELEASING APPROXIMATELY 9.18 ACRES OF LAND IN THE A.H. PORTER SURVEY FROM THE CITY OF GEORGETOWN’S EXTRATERRITORIAL JURISDICTION (“ETJ”), SAID LAND IDENTIFIED BY THE WILLIAMSON COUNTY APPRAISAL DISTRICT AS PARCEL R022721 AND BEING GENERALLY LOCATED AT 4810 STATE HIGHWAY 29 WEST, GEORGETOWN, WILLIAMSON COUNTY, TEXAS, RESULTING IN A REDUCTION OF GEORGETOWN’S ETJ; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 18, 2024, the City of Georgetown, Texas, received a petition requesting release from its ETJ of an approximately 9.18 acre tract of land in the A.H. Porter Survey (the “Petition”), a true and correct copy of such Petition being attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to Subchapter D of Chapter 42 of Local Government Code, landowners or residents may submit a petition seeking release of an area of land from the City’s ETJ; and

WHEREAS, the City Secretary has reviewed the Petition and confirmed that it meets the requirements of Subchapter D of Chapter 42 of the Local Government Code and the petition requirements of Chapter 277 of the Election Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

SECTION 1. The City Council of the City of Georgetown, Texas (“City Council”), does hereby find that the forgoing recitals are true and correct and adopts the recitals by this reference for all purposes.

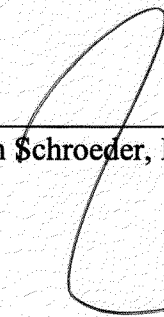
SECTION 2: To the extent required by state law, the City Council does hereby adjust the boundaries and limits of the ETJ of the City of Georgetown, Texas, such that the ETJ of the City of Georgetown, Texas, shall be and is hereby adjusted to release and remove the Area subject to the Petition, as such Area is more particularly described and depicted in Exhibit B attached hereto and incorporated herein by reference, from the ETJ of the City of Georgetown, Texas.

SECTION 3. The City Council is not consenting to this reduction of its ETJ except as required by state law.

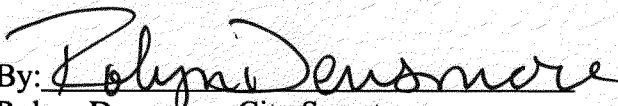
SECTION 4. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Georgetown, Texas, on the 26th day of November, 2024.

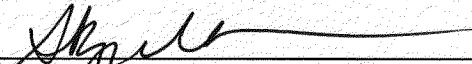
CITY OF GEORGETOWN, TEXAS

By: 
Josh Schroeder, Mayor

ATTEST:

By: 
Robyn Densmore, City Secretary

APPROVED AS TO FORM:

By: 
Skye Masson, City Attorney



Petitioned for ETJ Removal
VISTA TOWNHOMES AUSTIN LLC
14AC

