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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

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TCEQ DOCKET NO. 2022-1731-MWD

ACCEPTED
582-23-10368
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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Pegah Nasrollahzadeh, CLERK

APPLICATION OF R040062, LP § BEFORE THE STATE OFFICE
FOR § OF
TPDES PERMIT NO. WQ0016008001 § ADMINISTRATIVE HEARINGS

CITY OF GEORGETOWN'S FIRST REQUEST FOR PRODUCTION TO R040062, LP

To: R040062, LP, by and through its attorney of record, Peter T. Gregg, Gregg Law PC, 910 West Ave., Suite 3, Austin, Texas 78701.

COMES NOW, the City of Georgetown (the "**City**"), pursuant to the administrative law judge's Order Adopting Procedural Schedule, the Texas Rules of Civil Procedure ("**TRCP**"), and the rules of the Texas Commission on Environmental Quality and State Office of Administrative Hearings, and submits the following First Request for Production to R040062, LP, which request is attached hereto and incorporated herein for all purposes as **ATTACHMENT 1**. The City requests that you respond to these discovery requests in accordance with the definitions and instructions provided for therein.

Respectfully submitted,

William A. Faulk, III
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ATTORNEYS FOR CITY OF GEORGETOWN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following via the Court's electronic filing case management system and electronic mail on this the 18th day of May, 2023.

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FOR ALEX CIFUENTES:

Alex Cifuentes

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A handwritten signature in blue ink that reads "Maris Chambers". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Maris M. Chambers

ATTACHMENT 1

City of Georgetown's First Request for Production to R0400062, LP

The following instructions and definitions apply to the requests for production (collectively, the “*RFPs*,” and each, an “*RFP*”) contained herein.

INSTRUCTIONS

1. It is requested that all documents that might impact the subject matter of the above-styled docket be preserved and that any ongoing process of document destruction involving such documents cease.
2. You are directed to respond to the following written RFPs fully and in writing, based on all information reasonably available to you or your attorney at the time your response is made, and to furnish all requested documents available to you and known by you, or in your possession, custody, or control or that of your agents and attorneys.
3. In those instances when requested documents are stored only on software, computer-based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form or produce the information or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
4. In those instances where you choose to answer an RFP by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit the City to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained.
5. If the items requested to be produced herein have already been provided in other discovery answers to the City or another party, it shall not be necessary to duplicate such production. It shall be sufficient that the answer containing the requested information is clearly identified. Where only a portion of the requested information has been previously provided, this shall be disclosed and all information necessary to fully and completely answer this RFP shall be provided in your answer.
6. If the answer to any RFP consists of a document(s) obtained by the answering party from the City, it shall not be necessary to produce the document. It shall only be necessary to describe the document, its date, subject matter, and when/how it was obtained from the City. If the requested document is found in the public records of the Commission or another governmental agency, the answering party shall describe the exact location, file name, and custodian from whom the specific referenced document can be obtained.
7. Unless written requests for clarification are received by the undersigned, it shall be presumed that all RFPs are fully and completely understood.

8. As to any RFP to which you are unable to respond to in whole or in part, for any reason, please state the grounds for your inability to respond. When you believe that a complete answer to a particular RFP or part thereof is not possible, please answer each RFP to the extent possible and furnish a statement explaining the reason for your inability to respond further, and providing whatever information or knowledge you have concerning the non-responsive portion.
9. For each document or other requested information that you assert is privileged, please comply with the requirements of Rule 193.3 of the TRCP by furnishing a list identifying each document for which a privilege is claimed together with the date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
10. For every document that no longer exists or cannot be located, identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
11. You are under a continuing duty to supplement your answers to these RFPs if you discover that they were incomplete or incorrect when made, or if you discover that they are no longer complete and correct. Supplementation must be made reasonably promptly after you discover the need for supplementation.
12. All definitions and instructions governing discovery in the TRCP, the rules of the Commission and SOAH, and all applicable orders issued in the above-referenced docket shall apply to these RFPs.
13. Unless otherwise clearly indicated within the context of a specific RFP:
 - a. the definition of each term provided below applies whether the term is used or defined in the singular or plural;
 - b. the present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense;
 - c. the word “and” shall be construed to mean “and/or,” and the word “or” shall be construed to mean “or/and;” and
 - d. the term “including,” or one of its inflections, shall be construed to mean and refer to “including, but not limited to.”

DEFINITIONS

The following definitions apply to the entirety of this document, including the foregoing instructions and following RFPs.

1. **“Any”** shall be construed to include “all,” and “all” shall be construed to include “any.”
2. **“Application”** refers to the Application of R040062, LP for new Texas Pollutant Discharge Elimination System Permit No. WQ0016008001, submitted to the Texas Commission on Environmental Quality on June 11, 2021, and assigned Commission Docket No. 2022-1731-MWD.
3. **“City”** means the City of Georgetown and any entity or person acting or purporting to act on its behalf, including, without limitation, attorneys, agents, advisors, investigators, representatives, employees, independent contractors, or other persons.
4. **“Commission”** means the Texas Commission on Environmental Quality, an administrative agency of the State of Texas, and its staff, commissioners, and natural persons employed by and working for the agency.
5. **“Communication”** means any oral, written, or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which R040062, LP has knowledge, information, or belief.
6. **“Concerning”** means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
7. **“Date”** means the exact day, month, and year, if ascertainable or, if not, the best approximation.
8. **“Document(s)”** or **“documentation”** means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, interoffice communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts, and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under the direct or indirect control of, or on behalf of R040062, LP.

9. **“Each”** shall be construed to include the word “every” and “every” shall be construed to include the word “each.”
10. **“Entity”** means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
11. **“Individual(s)”** or **“Person(s)”** means any natural person or persons.
12. **“Possession,” “custody,”** or **“control”** of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item.
13. **“Proposed Development”** means the “proposed subdivision” referred to in Attachment J to the Application, which is intended to include approximately 600 manufactured housing units to be constructed on an approximately 64.345-acre tract of land located on the northeast side of the intersection of Bell Gin Road and County Road 105 in Williamson County, Texas.
14. **“Proposed Package Plant”** means the proposed Indigo Water Resources Recovery Facility (RN111287538), as more particularly described in the Application.
15. **“Proposed System”** means the Proposed Package Plant and associated wastewater collection system intended to serve the Proposed Development, as more particularly described in the Application, and including, but not limited to, all treatment units, screens, filters, grinders, chambers, sequencing batch reactors, tanks, towers, chlorinators, clarifiers, digesters, lagoons, pumps, pipes, tunnels, conduits, interceptors, lift stations, pump stations, customer connections and/or other devices intended to collect, transport, and/or treat wastewater generated in the Proposed Development.
16. **“RFP(s)”** means request(s) for production.
17. **“SOAH”** refers to the State Office of Administrative Hearings.
18. **“TAC”** means Texas Administrative Code.
19. **“TPDES”** means Texas Pollutant Discharge Elimination System.
20. **“You”** and **“your”** mean and refer to R040062, LP (CN605905942) and its agents, representatives, attorneys, and any and all other affiliates, natural persons, businesses, or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of R040062, LP, including, but not limited to, Civitas at Buda, LLC; Civitas at Crowley, LLC; Civitas at Hutto, LLC; Civitas Development Manager, LLC; Civitas IV, LLC; Civitas IV Manager, LLC; Civitas PEAW Manager, LLC; Civitas Residential, LLC; Civitas Sales Manager IV, LLC; Civitas Sales Manager Waller, LLC; DM Water Management, LLC; High Catch, LLC; Highway 72, LLC; HTZ Investments,

LLC; Indie Catch, LLC; Mertz Holdings; MTZ Holdings, LLC; North Catch 1488, LLC; Prairie Estates at Conroe, LLC; Prairie Estates at Waller, LLC; Reeves Triangle Way, LLC; Scipio Capital, LLC; Scipio Ventures, LLC; SV Parkland Preserve, LLC; 1101 McAllen Retail Partners GP, LLC; 1101 McAllen Retail Partners, LP; 12750 Aldine Westfield GP, LLC; and/or 12750 Aldine Westfield, LP.

THE CITY'S FIRST RFP TO R040062, LP

- City RFP 1-1** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating all costs associated with constructing the Proposed System. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-2** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating all costs associated with connecting to a permitted domestic wastewater treatment facility and/or sanitary sewer collection system located within a three-mile radius of the Proposed Package Plant. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-3** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating the costs associated with ongoing operation, maintenance, and monitoring of the Proposed System, including, but not limited to, costs associated with salaries and wages, employee benefits, materials and supplies, emergency equipment and personnel, energy, sampling, laboratory services, regulatory charges, insurance, office equipment, and disposal of sewage sludge and other wastes. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-4** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating the anticipated timeline for constructing the Proposed System. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-5** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating the costs associated with potential delays in the construction of the Proposed System. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.

- City RFP 1-6** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating the anticipated rates, rate structure, fees, and/or other costs to be charged for the provision of retail wastewater service to customers in the Proposed Development. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-7** Produce any and all documents and/or communications, including, but not limited to, contracts, quotes, cost analyses, opinions of probable cost, and/or feasibility studies, detailing and/or estimating the value of the Proposed Development at completion, including, but not limited to, the estimated value of all lots, homes, commercial and industrial improvements, developed reserves, and undeveloped land, assuming the installation of Proposed System. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-8** Produce any and all non-privileged documents and/or communications, including, but not limited to, notes, applications, drawings, construction plans, land use plans, site/development plans, cost analyses, opinions of probable cost, and/or feasibility studies, exchanged between you and the City within the five (5) years preceding the date of service of this document that relate to the provision of retail wastewater service to customers in the Proposed Development.
- City RFP 1-9** Produce any and all non-privileged documents and/or communications, including, but not limited to, notes, applications, drawings, construction plans, land use plans, site/development plans, cost analyses, opinions of probable cost, and/or feasibility studies, exchanged between you and any other owners and/or operators of permitted domestic wastewater treatment facilities or sanitary sewer collection systems located within a three-mile radius of the Proposed Package Plant that relate to the provision of retail wastewater service to customers in the Proposed Development. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.
- City RFP 1-10** Produce any and all currently valid and enforceable contracts in your possession, custody, and control that relate to the provision of retail wastewater service to customers in the Proposed Development and/or the provision of wholesale wastewater service to you by another entity.
- City RFP 1-11** Produce any and all documents and/or communications, including, but not limited to, notes, applications, drawings, construction plans, land use plans, site/development plans, cost analyses, opinions of probable cost, and/or feasibility studies that relate to and/or describe the Proposed Development and/or Proposed System. This RFP is limited to non-privileged materials and communications dated within the five (5) years preceding the date of service of this document.

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William Faulk on behalf of William Faulk

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Filing Description: City of Georgetown's First Request for Production to R40062, LP

Status as of 5/18/2023 3:46 PM CST

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Associated Case Party: City of Georgetown

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William Faulk on behalf of William Faulk

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Name	BarNumber	Email	TimestampSubmitted	Status
Cody Faulk		cfaulk@spencerfane.com	5/18/2023 3:35:21 PM	SENT