



February 24, 2026

Laurie Gharis, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application by Preston Romero to the Texas Commission on Environmental Quality for creation of Willis Creek Municipal Utility District of Williamson County, TCEQ Internal Control No. D-01062026-006.

Dear Chief Clerk Gharis:

The County of Williamson, Texas (“the County”) formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to the County’s attorneys, Emily W. Rogers and Stefanie P. Albright, Two Barton Skyway, 1601 S. Mopac Expressway, Suite C400, Austin, Texas 78746. Our daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Preston Romero is applying to the Texas Commission on Environmental Quality (“TCEQ”) for creation of a new municipal utility district, identified as Willis Creek Municipal Utility District (“the District”), TCEQ Internal Control No. D-12292025-036.

The TCEQ may grant a contested case hearing on the Petition if a written hearing request is filed within thirty (30) days after the newspaper publication of this notice. A contested case hearing may be requested by an affected persons, when authorized by law. 30 TEX. ADMIN. CODE § 55.201(b)(4). An “affected persons” is defined as “[a] person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application”. 30 TEX. ADMIN. CODE § 55.103 and 30 TEX. ADMIN. CODE § 55.256(a). An interest common to members of the general public does not qualify as a personal justiciable interest. *Id.* Governmental entities, like Williamson County, with authority under state law over issues contemplated by the application may be considered affected persons. 30 TEX. ADMIN. CODE § 55.256(b). The Commission must consider all relevant factors when making a determination of an “affected person”, 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, safety, and 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) *for governmental entities, their statutory authority over or interest in the issues relevant to the application.*

30 TEX. ADMIN. CODE § 55.256(c) (emphasis added).

A reviewing court evaluates the Commission’s determination of “affected person” status by utilizing the abuse of discretion standard of review, and finds that an agency abuses its discretion in making a decision if it: (a) fails to consider a factor the legislature directs it to consider; (b) considers an irrelevant factor; or (c) weighs only relevant factors that the legislature directs it to consider but still reaches a completely unreasonable result. *Sierra Club v. Texas Comm’n on Env’t Quality*, 455 S.W.3d 214, 223 (Tex. App. — Austin, 2014) (*pet. denied* (Oct. 9, 2015); *reh’g of pet. denied* (December 18, 2015)).

If the Commission determines that a contested case hearing is necessary under TEX. WATER CODE § 49.011, the Commission shall conduct a hearing and accept evidence on the sufficiency of the Petition and whether the project is feasible and practicable and is necessary and would be a benefit to all or any part of the land proposed to be included in the District. TEX. WATER CODE § 54.020(a). If the Commission finds that the Petition conforms to the requirements of Section 54.015 and that the project is feasible and practicable and is necessary and would be a benefit to the land to be included in the district, the Commission shall so find by its order and grant the Petition. TEX. WATER CODE § 54.021(a). In determining if the 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.

TEX. WATER CODE § 54.021(b). The above factors for consideration are clear “issues relevant to the application” as referenced in 30 TEX. ADMIN. CODE § 55.256(c).

The County is an “affected person” entitled to a contested case hearing on issues raised in the Petition pursuant to 30 Texas Administrative Code (“TAC”) § 55.256(b)(6) because the County has statutory authority over, and interest in, the issues relevant to the Petition. The County has statutory and/or constitutional authority over various functions – including but not limited to transportation, drainage, emergency services, and health and safety – that may be affected by the creation of the District. *See, e.g.*, TEX. LOC. GOV’T CODE §§ 232.001-.011 (county authority for road construction in subdivisions as well as other subdivision regulations); TEX. TRANSP. CODE §

251.016 (general control over roads, highways, and bridges) and § 251.003 (county order and rulemaking authority for roads); TEX. LOC. GOV'T CODE, Subchapter C (fire code in unincorporated areas); TEX. LOC. GOV'T CODE § 232.003(5)(reasonable specifications to provide adequate drainage for each street or road in a subdivision); and TEX. GOV'T CODE, Chapter 418 (emergency management). Additionally, potential contamination or depletion of groundwater, if groundwater is to be the source of supply, within the region may impact the County's ability to effectively provide emergency services, may impact health and safety by lowering water quality, and may negatively impact the County's infrastructure through subsidence. Moreover, the County has an interest in protecting the surface water quality of the County, which may be impacted by discharges of treated effluent by Applicant's project. *See, e.g.*, TEX. HEALTH & SAFETY CODE § 121.003 (enforcement of laws to promote public health) and Chapter 366 (license procedures for private sewage facilities); and TEX. WATER CODE § 26.171, *et seq.* (enforcement of water quality controls and inspection of public waters). Thus, the County has authority under state law over numerous issues contemplated by this application and is therefore an affected person.

Additionally, the County has an interest in ensuring the District has sufficient taxing capacity to construct, operate, and maintain the required infrastructure in the District, including the proposed water and wastewater systems, the proposed drainage facilities, and proposed roads that meet County standards. If the District does not have sufficient taxes to fund, operate, and maintain the required infrastructure, poorly maintained facilities and roads affect the County's emergency services, impact the water quality within the County, and cause drainage problems.

Further, the District will be located entirely outside the corporate limits of a city. Therefore, pursuant to TEX. WATER CODE § 54.0161, the County has express authority to review the Petition for creation and other evidence and information relating to the proposed District that its commissioners court considers necessary. TEX. WATER CODE § 54.0161(a-2). Petitioners for the creation of a district shall submit to the county commissioners court any relevant information requested by the commissioners court. *Id.* In the event the county commissioners court votes to submit information to the commission or to make a recommendation regarding the creation of the proposed district, the commissioners court shall submit to the commission, at least 10 days before the date set for action on the petition, a written opinion stating: (1) whether the commissioners court recommends the creation of the proposed district; and (2) any findings, conclusions, and other information that the commissioners court thinks would assist the commission in making a final determination on the petition. TEX. WATER CODE §§ 54.0161(a-2), (b). Therefore, as noted above, the County hereby submits this Request for Contested Case Hearing stating it does not recommend the creation of the District absent the Commission's consideration at a contested case hearing of the impact this District shall have on the statutory authorities of the County, specifically with regards to transportation, emergency services, health and safety, and surface water quality, and groundwater.

Pursuant to both 30 Tex. Admin Code § 55.256(b)6) and Tex. Water Code § 54.0161(a-2), the County requests that the Commission determine this County be determined an "affected person" and grant its Request for Contested Case Hearing.

Sincerely,

Emily W. Rogers

Attorney for Williamson County