



# CITY OF HOUSTON

Legal Department

Annise D. Parker

Mayor

David M. Feldman  
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CHIEF CLERKS OFFICE

11:59 AM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REVIEWED

AUG 01 2014

By [Signature]

WR  
90408

July 28, 2014

Ms. Bridget Bohac, Chief Clerk  
Chief Clerk (MC 105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

*Via Telecopier & Regular Mail*

RE: Application No. 12949 – Boasso America Corporation.

Dear Ms. Bohac:

I am writing on behalf of the City of Houston (“Houston”) in response to the notice of the above-referenced Application No. 12949 (the “Application”) filed by Boasso America Corporation (“Boasso”) to obtain a permit to divert ten acre-feet of water per year from a point on Carpenter’s Bayou, a tributary of Buffalo Bayou, a tributary of the San Jacinto River for dust suppression in Harris County. A copy of the notice of the application for a water use permit dated July 15, 2014 is attached for reference (Appendix “A”).

**Please consider this letter as the City of Houston’s request for the Commission to conduct a contested case hearing on the Application.**

The City of Houston relies upon the San Jacinto River, as well as other water resources, for its municipal water supplies to provide water to more than 3 million customers in Houston and its environs, including Harris and Fort Bend Counties, Texas. The City of Houston holds multiple water rights in the San Jacinto River Basin, including Lake Conroe (Certificate of Adjudication and Amendment Nos. 10-4963 and 10-4963A), which it jointly owns with the San Jacinto River Authority (“SJRA”), as well as Lake Houston (Certificate of Adjudication No. 10-4965) which it owns. Additionally, the San Jacinto River provides fresh water inflows to the Galveston Bay and its estuaries, all of which contribute to the economic well-being and quality of life of the City of Houston and its citizens. Accordingly, the Permit proposed in the Application may directly injure or impact the City of Houston’s water rights, particularly rights below Lake Houston, associated contracts, and the health, safety and well-being of the people and environment reliant on the San Jacinto River Basin.

*[Handwritten signature]*

**In order to protect the City's rights and afford adequate opportunity to review the Application, and any proposed Permit that may be published by the Executive Director for consideration by the Commission, the City of Houston requests that the Commission conduct a contested case hearing on the Application.**

For all of the reasons set forth above, on behalf of the City of Houston, I also request that the Commission and the Executive Director's staff provide the City with copies of all proposed Permit drafts, technical memoranda, and any other evaluations, and/or any notices proposed, promulgated, or published by the Commission or the Executive Director's staff related to this Application. Please have these documents sent to my attention using the following contact information:

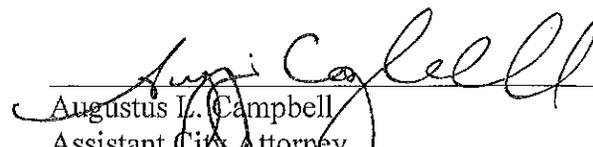
Augustus L. Campbell  
City of Houston Legal Department  
900 Bagby Street, 4<sup>th</sup> Floor  
Houston, TX 77002  
Office: (832) 393-6486  
Fax: (832) 393-6259  
[augustus.campbell@houstontx.gov](mailto:augustus.campbell@houstontx.gov)

Please note that this request is conditional. After further review and evaluation of the Application and its potential impacts, Houston hopes to reach an understanding with Boasso on the Application and perhaps an agreement that will address Houston's interest in Lakes Conroe and Houston, as well as providing for the health and well-being of the San Jacinto River Basin, and the protection of Houston's downstream water rights and other affected interests. Assuming those efforts are successful, the City would be able to withdraw its contested case hearing request.

Thank you for your assistance.

Sincerely,

CITY OF HOUSTON

  
Augustus L. Campbell  
Assistant City Attorney  
City of Houston Legal Department

ALC/lap



**CITY OF HOUSTON** Legal Department  
 P.O. Box 368  
 Houston, Texas 77001-0368

**RECEIVED**

AUG 01 2014

**TCEQ MAIL CENTER**  
 CS

Ms. Bridget Bohac, Chief Clerk  
 Chief Clerk (MC 105)  
 Texas Commission on Environmental Quality  
 P.O. Box 13087  
 Austin, Texas 78711-3087



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JUL 28 2014

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 ENVIRONMENTAL  
 QUALITY

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CHIEF CLERKS OFFICE



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# CITY OF HOUSTON

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Mayor

David M. Feldman  
City Attorney  
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Houston, Texas 77001-0368  
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900 Bagby, 4<sup>th</sup> Floor

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

JUL 28 PM 1:18

*WR*  
*90408*

**REVIEWED**

JUL 29 2014

By *[Signature]*

July 28, 2014

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Page 2

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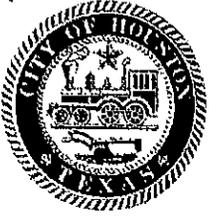
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Sincerely,

CITY OF HOUSTON

  
Augustus L. Campbell  
Assistant City Attorney  
City of Houston Legal Department

ALC/lap



# CITY OF HOUSTON

Legal Department

## FAX COVER SHEET

P.O. Box 1562  
Houston, Texas 77251-1562  
City Hall Annex  
900 Bagby, 4<sup>th</sup> Floor

T. 832-393-000  
F. 832-393-6259  
www.houstontx.gov

TO: Ms. Bridget Bohac, Chief Clerk

DATE: 07/28/14

URGENT

FAX NUMBER: 512.239.3311

PHONE NUMBER: 512.239.3300

PLEASE REPLY

FROM: Augustus Campbell  
Assistant City Attorney

PAGES: 3 including cover

PLEASE REVIEW

PLEASE COMMENT

COMMENTS:

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Please see attached letter regarding **Application No. 12949- Boasso America Corporation.**

Thank you for your attention to this matter.

CHIEF CLERKS OFFICE

2014 JUL 28 PM 1:18

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COMMISSION  
ON ENVIRONMENTAL  
QUALITY