

April 28, 2011

WR
72455

OPA

APR 29 2011

By *DL*

CHIEF CLERKS OFFICE

2011 APR 29 AM 8:14

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

VIA ELECTRONIC FILING

Ms. LaDonna Castañuela (MC 105)
Chief Clerk
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78767-3087

RE: Application No. 12510 Submitted by Montgomery County Municipal Utility
District No. 8 and Montgomery County Municipal Utility District No. 9 (1197-19)

Dear Ms. Castañuela:

I am writing as a member of the GRP Review Committee, which represents Groundwater Reduction Plan ("GRP") customers of the San Jacinto River Authority ("SJRA"), in response to the notice of an application (the "Application") filed by Montgomery County Municipal Utility District No. 8 and Montgomery County Municipal Utility District No. 9 ("Applicants"). Please consider this letter as an expression of the Review Committee's formal protest of the Application.

The GRP Review Committee consists of six individuals who are selected to represent approximately 134 separate water supply systems in Montgomery County that are customers ("GRP Participants") of the SJRA via participation in the SJRA's countywide GRP, and they represent a population of approximately 325,000 comprising 80 percent of the total groundwater demand by all large volume groundwater users in Montgomery County. Based on the terms of the water supply contract between each GRP Participant and the SJRA, the GRP Participants pay reservation fees on approximately 92,000 acre-feet of permitted water rights in Lake Conroe, which represents virtually the entire firm yield of the Lake. Therefore, the GRP Participants have a financial stake in, and in fact are heavily dependent upon, the reliability and sustainability of the water rights in Lake Conroe for their surface water supply needs. The GRP Participants have significant interests in the waters and water supplies of Lake Conroe. The draft permit associated with the Application and prepared by Texas Commission on Environmental Quality ("TCEQ") staff (the "Draft Permit"), if issued as currently written, will significantly and negatively impact those interests.

The Draft Permit allows the Applicants to consume available storage in Lake Conroe, utilize the bed and banks of Lake Conroe for placement of unspecified diversion structure(s), and use the impounded waters of Lake Conroe to transport and dilute their effluent, with no

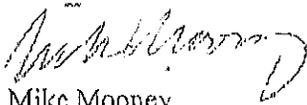
MC

Ms. LaDonna Castañuela
April 28, 2011
Page 2

consideration for the negative impacts that the proposed project would have on those who have paid for the development of the reservoir in the past and those who will continue to pay the ongoing costs of operating and maintaining the reservoir in the future and who depend on the yield of the reservoir for their water supply.

The GRP Review Committee considered and rejected an indirect re-use proposal by the Applicant that used Lake Conroe as a means for facilitating the plan on January 13, 2011. The GRP Review Committee continues to oppose the proposal, the Application and the associated Draft Permit.

Sincerely,



Mike Mooney
Member, GRP Review Committee
PO Box 329
Conroe, Texas 77305

cc: Mr. Mark Vickery
Ms. Linda Brookins
Ms. Kellye Rila
Mr. Craig Milkes
Mr. James Aldredge
Mr. Ed McCarthy
Ms. Carolyn Ahrens
Mr. Reed Eichelberger
Mr. Jace Houston
Mr. Ron Kelling
Ms. Michelle Smith
Mr. Martin Rochelle



816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lglawfirm.com

TELECOPIER COVER SHEET

Type in Date; or Insert, Date-make sure update auto is NOT checked

PLEASE DELIVER THE FOLLOWING PAGES:

To: Chief Clerk

Firm: TCEQ

Telecopy No.: 239-3311

Verification No.:

Client No.: 1197-19

From: Mike Mooney, through Michelle M. Smith

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 2011 APR 29 AM 8:14
 CHIEF CLERKS OFFICE

No. of Pages: 2 + cover sheet

Documents transmitted: Comment on Water Right Permit No. 12510

Comments:

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL US AS SOON AS POSSIBLE AT (512) 322-5844.



OPA

MAY 25 2011

By DS

Legal Department

CITY OF CONROE

May 23, 2011

Ms. LaDonna Castanuela
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78767-3087

WR
72455

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 MAY 25 AM 10:04
CHIEF CLERKS OFFICE

Re: Application No. 12510 submitted by Montgomery County MUD No. 9
and MUD No. 9 (1197-19)

Dear Ms. Castanuela:

At the request of the Mayor of the City of Conroe I am forwarding a copy of correspondence to the San Jacinto River Authority relating to a protest filed by Mike Mooney that is alleged to be an expression of the SJRA GRP Review Committee.

As a participant in the San Jacinto River Authority GRP Review Committee the City of Conroe does not support the protest and wishes to make it clear that the protest filed by Mr. Mooney does not represent Conroe.

The City of Conroe is unaware of any authorization given by the Review Committee to support the protest filed by Mr. Mooney in the Committee's name. The City of Conroe representative on the committee has reported that the Committee has taken no action to his knowledge to authorize the protest.

Sincerely,

Marcus L. Winberry
City Attorney

MLW/pjp
Enclosure

cc: Senator Robert Nichols
Representative Brandon Creighton
Mayor Webb K. Melder

April 28, 2011

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 MAY 25 AM 10:04
CHIEF CLERKS OFFICE

VIA ELECTRONIC FILING

Ms. LaDonna Castañuela (MC 105)
Chief Clerk
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78767-3087

RE: Application No. 12510 Submitted by Montgomery County Municipal Utility
District No. 8 and Montgomery County Municipal Utility District No. 9 (1197-19)

Dear Ms. Castañuela:

I am writing as a member of the GRP Review Committee, which represents Groundwater Reduction Plan ("GRP") customers of the San Jacinto River Authority ("SJRA"), in response to the notice of an application (the "Application") filed by Montgomery County Municipal Utility District No. 8 and Montgomery County Municipal Utility District No. 9 ("Applicants"). Please consider this letter as an expression of the Review Committee's formal protest of the Application.

The GRP Review Committee consists of six individuals who are selected to represent approximately 134 separate water supply systems in Montgomery County that are customers ("GRP Participants") of the SJRA via participation in the SJRA's countywide GRP, and they represent a population of approximately 325,000 comprising 80 percent of the total groundwater demand by all large volume groundwater users in Montgomery County. Based on the terms of the water supply contract between each GRP Participant and the SJRA, the GRP Participants pay reservation fees on approximately 92,000 acre-feet of permitted water rights in Lake Conroe, which represents virtually the entire firm yield of the Lake. Therefore, the GRP Participants have a financial stake in, and in fact are heavily dependent upon, the reliability and sustainability of the water rights in Lake Conroe for their surface water supply needs. The GRP Participants have significant interests in the waters and water supplies of Lake Conroe. The draft permit associated with the Application and prepared by Texas Commission on Environmental Quality ("TCEQ") staff (the "Draft Permit"), if issued as currently written, will significantly and negatively impact those interests.

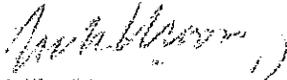
The Draft Permit allows the Applicants to consume available storage in Lake Conroe, utilize the bed and banks of Lake Conroe for placement of unspecified diversion structure(s), and use the impounded waters of Lake Conroe to transport and dilute their effluent, with no

Ms LaDonna Castañuela
April 28, 2011
Page 2

consideration for the negative impacts that the proposed project would have on those who have paid for the development of the reservoir in the past and those who will continue to pay the ongoing costs of operating and maintaining the reservoir in the future and who depend on the yield of the reservoir for their water supply.

The GRP Review Committee considered and rejected an indirect re-use proposal by the Applicant that used Lake Conroe as a means for facilitating the plan on January 13, 2011. The GRP Review Committee continues to oppose the proposal, the Application and the associated Draft Permit.

Sincerely,



Mike Mooney
Member, GRP Review Committee
PO Box 329
Conroe, Texas 77305

cc: Mr. Mark Vickery
Ms. Linda Brookins
Ms. Kellye Rila
Mr. Craig Mikes
Mr. James Aldredge
Mr. Ed McCarthy
Ms. Carolyn Ahrens
Mr. Reed Eichelberger
Mr. Jace Houston
Mr. Ron Kelling
Ms. Michelle Smith
Mr. Martin Rochelle



Office of the Mayor

CITY OF CONROE

May 13, 2011

H. Reed Eichelberger
General Manager
San Jacinto River Authority
P. O. Box 329
Conroe, Texas 77305

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 MAY 25 AM 10:04
CHIEF CLERKS OFFICE

Certified Mail Receipt No. 7010 1870 0003 4705 2971
& First Class US Postal

Re: GRP Advisory Committee member Mike Mooney's "letter of protest" to TCEQ regarding the permit application of Montgomery County MUDs 8 & 9

Dear Mr. Eichelberger:

I have been provided a copy of the attached letter signed by Mike Mooney, a member of the GRP Review Committee, addressed to the Texas Commission on Environmental Quality. The April 28, 2011 letter requests that the TCEQ consider the letter to be an expression of the Review Committee's formal protest of the above referenced application filed by MUDs 8 & 9.

Please confirm whether or not the GRP Review Committee authorized the protest filed by Mooney in the name of the Committee and provide me with a copy of the minutes of the Review Committee meeting at which the protest was authorized. Dean Towery, the City of Conroe's representative on the Review Committee has informed me that the protest letter was not authorized by the Committee and that he would not have favored supporting a protest of the permit application. Mr. Towery also believes that the Committee has no role in this matter as it is unrelated to the functions of the GRP. Since it appears that the letter was not authorized by the Committee please tell me who authorized that it be sent in the name of the Review Committee.

As Mayor of the City of Conroe I object to the use of GRP funds to pay any portion of the costs associated with the protest of the MUDs 8 & 9 application. Please confirm in writing that no portion of the GRP funds have or will be used for the purposes of opposing the disputed permit application.

Sincerely,


Webb K. Melder
Mayor, City of Conroe



CITY OF CONROE

P.O. Box 3066 ■ CONROE, TX 77305

Ms. LaDonna Castanuela
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78767-3087



UNITED STATES POSTAGE
FIRST CLASS
\$00.44
0011351005 MAY 23 2011
MAILED FROM ZIP CODE 77301
ENVIRONMENTAL COMMISSION TEXAS

RECEIVED
MAY 25 2011

TCEQ MAIL CENTER
JR

78711+3087

