

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NOS. 8 AND 9
SOAH Docket No. 582-17-1461
TCEQ Docket No. 2016-0469-WR
Application No. 12510

APPLICATION.

Montgomery County Municipal Utility District No. 8, 1001 McKinney, Suite 1001, Houston, Texas, 77002-6424, and Montgomery County Municipal Utility District No. 9, 1001 Fannin, Suite 2500, Houston, Texas, 77002-6760, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.042, and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, et seq.

Montgomery County Municipal Utility District Nos. 8 and 9 seek authorization to use the bed and banks of the West Fork San Jacinto River (Lake Conroe), San Jacinto River Basin, to convey their present and future groundwater-based return flows for use within the Districts' service areas in Montgomery County in the San Jacinto River Basin.

Applicants seek authorization to use the bed and banks of the West Fork San Jacinto River (Lake Conroe), tributary of the San Jacinto River, San Jacinto River Basin, to convey their present and future groundwater-based return flows.

TPDES Permit No. WQ0011371001 authorizes the Permittees to discharge up to 1,008.86 acre-feet of water per year (0.9 MGD) into Lake Conroe on the West Fork San Jacinto, tributary of the San Jacinto River, San Jacinto River Basin, at two points as described below:

Outfall 1 - Latitude 30.390833°N, Longitude 95.604722°W, also bearing N81.350000°E, 5,270 feet from the westernmost corner of the W.C. Clark Survey, Abstract No. 3, Montgomery County.

Outfall 2 - Latitude 30.389722°N, Longitude 95.604167°W, also bearing S34.531667°W, 237 feet from the east corner of Lot 44 in Block 36 of Walden On Lake Conroe, Section 5 out of the William Clark Survey, Abstract No. 6, Montgomery County.

Applicants indicate the water will be diverted, less carriage losses, from diversion point(s) at or inland of the perimeter of Lake Conroe, Montgomery County at a maximum combined diversion rate of 3.422 cfs (1,500 gpm) for municipal, industrial, and agricultural purposes within the Districts' service areas in Montgomery County in the San Jacinto River Basin.

Lake Conroe is authorized by Certificate of Adjudication No. 10-4963, issued jointly to San Jacinto River Authority and the City of Houston.

Applicants submitted an accounting plan on October 30, 2009, which was accepted by the Executive Director.

The application and partial fees were received on October 2, 2009. Additional information was received on October 30, November 3 and December 14, 2009, and April 7 and June 3, 2010. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 12, 2010.

The Executive Director has prepared a draft permit, which, if approved, would contain special conditions including but not limited to, restricting diversions to the return flows that are actually discharged. The application, technical memoranda, and Executive Director's draft amendment are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, Texas, 78753.

CONTESTED CASE HEARING.

SOAH will conduct a preliminary hearing on this application at:

**10:00 a.m. – January 25, 2017
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and any person may request to be a party. Only persons named as parties may participate at the hearing.

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at <http://www.tceq.texas.gov/>.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: December 16, 2016

Bridget C. Bohac

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality