

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF HEARING

### **SAN JACINTO RIVER AUTHORITY**

**SOAH Docket No. 582-19-1314**

**TCEQ Docket No. 2017-1138-WR**

**Application No. 13183**

#### **APPLICATION.**

San Jacinto River Authority, P.O. Box 329, Conroe, TX 77305, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) §§ 11.042, 11.121, & 11.085 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.*

San Jacinto River Authority seeks a Water Use Permit to authorize the use of the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey its surface water-based return flows actually discharged by the City of Conroe for subsequent diversion and use for municipal, industrial, agricultural, and mining purposes in its service area in Montgomery and Harris Counties.

The return flows subject to the Applicant's Water Rights Permit Application No. 13183 are surface-water based return flows, originally sourced by the Applicant to the City of Conroe pursuant to a contract (the "GRP Contract") that provided that Applicant shall remain the owner of such surface water-based return flows upon the City of Conroe's discharge of same.

San Jacinto River Authority seeks a Water Use Permit to authorize the use of the bed and banks of the West Fork San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin to convey up to 11,200 acre-feet per year of its surface water-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion and use for municipal, industrial, agricultural, and mining purposes in its service area in Montgomery and Harris Counties.

Applicant also seeks to authorize an exempt interbasin transfer to those portions of its service area within the Trinity-San Jacinto Coastal Basin.

Applicant indicates discharge of the return flows is authorized pursuant to TPDES Permit No. WQ0010008002 at a maximum discharge rate of 46.36 cfs (20,800 gpm) at two points located on the West Fork San Jacinto River in Zip code 77345, being located at:

A. Latitude 30.271583°N, Longitude 95.496375°W, also bearing N47°W, 4,102 feet from the southwest corner of the Ransom House Survey, Abstract No. 245, in Montgomery County.

B. Latitude 30.267400°N, Longitude 95.492200°W, also bearing N 44°W, 2,112.5 feet from the southwest corner of the Ransom House Survey, Abstract No. 245, in Montgomery County.

Applicant seeks to divert anywhere between the permitted discharge points and the points authorized by Certificate of Adjudication No. 10-4964, located on the San Jacinto River, being anywhere on the perimeter of Lake Houston at Latitude 29.924300°N, Longitude 95.125300°W, in Harris and Montgomery Counties in zip codes 77301, 77302, 77303, 77304, 77384, 77385, 77386, 77365, 77338, 77339, 77345, 77346, 77532, and 77044.

Applicant seeks to divert at a maximum combined diversion rate of 155.97 cfs (70,030.53 gpm), which is authorized by, and combined with, Certificate of Adjudication No. 10-4964 and Water Use Permit No. 5809.

Applicant has provided, and the Executive Director has approved, an accounting plan (Lake Houston Reservoir Accounting Plan) that ensures that Applicant's diversions of return flows are exclusively surface water-based return flows actually discharged by the City of Conroe, originating as treated surface water supplied to the City of Conroe, pursuant to the GRP Contract.

The application and partial fees were received on February 12, 2015. Additional information and fees were received on May 11, 2015 and February 1, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on February 17, 2016 and amended on May 4, 2016.

The Executive Director has prepared a draft permit, which, if approved, would include special conditions, including, but not limited to, streamflow restrictions and a requirement that Applicant may only divert daily surface water based return flows that are actually discharged. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F., Austin, TX 78753.

#### **CONTESTED CASE HEARING.**

SOAH will conduct a preliminary hearing on this application at:

**10:00 a.m. – January 7, 2019  
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 Texas Administrative Code (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.

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.”**

**INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 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: November 30, 2018

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive style with a large initial 'B'.

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