



STATE OF TEXAS
HOUSE OF REPRESENTATIVES

WILL METCALF

District 16

March 24, 2021

Mr. Jon Niermann
Office of the Chairman (MC-100)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Chairman Niermann and Commissioners:

I am writing to you concerning the Lake Conroe Association (LCA) complaint dated December 28, 2020 against the San Jacinto River Authority and the City of Houston regarding their diversion of water from Lake Conroe, also known as the "seasonal lake lowering program." As you may know, Lake Conroe lies in northern Montgomery County and is entirely in my district (HD 16). In January of this year I sent your agency a letter to the attention of Executive Director Toby Baker urging the TCEQ to thoroughly review the LCA's new information included in their December 2020 complaint. Since that complaint was filed, no action has been taken by the TCEQ. I am extremely disappointed by the lack of urgency from Director Baker and the TCEQ in handling this request, and I now appeal to you, Mr. Chairman and Commissioners, to intervene and request that action be taken to stop the useless waste of Lake Conroe surface water. This program has remained one of the top concerns in my district since it was put in place, and why I am writing your agency once again on the matter as the first seasonal release of the year is scheduled to begin as early as April 1.

Since its inception in 2018, Senator Robert Nichols and I have been concerned by this program and have written to SJRA and the TCEQ to share these concerns. In May 2018, following the SJRA board's decision to implement the seasonal lake lowering policy, Senator Robert Nichols and I submitted a joint-letter (Attachment A) to the San Jacinto River Authority with questions we had in regards to the newly approved proposal. One of our questions explicitly asked how the board intended to define the word "temporary" in the context of this "temporary" seasonal lake lowering. In response to our questions, President Lloyd Tisdale wrote on August 28, 2018 (Attachment B) that "the proposal is temporary in nature and intended to provide flood mitigation while the US Army Corp of Engineers (USACE) emergency dredging project is completed. USACE's dredging



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contractor began mobilizing in July 2018 and the current estimate is that the dredging project will be completed in May of 2019. We expect the seasonal lowering of Lake Conroe to cease thereafter.”

As we now know, the seasonal lake lowering program has been renewed through the end of next year, and a number of time-consuming projects have been added to the list. It is my understanding that the City of Houston wants the program to be extended until gates can be added to the Lake Houston dam, another project that has unsurprisingly been delayed. City of Houston Mayor Pro Tem Dave Martin, who represents Kingwood in the City of Houston, was recently quoted in a local paper as saying that he "is confident that the San Jacinto River Authority will work with us on our lowering strategy until the Lake Houston dam project is completed..." (Attachment C). The answer to our question of what the term "temporary" means for this program continues to change to benefit the City of Houston, regardless of the billions of gallons of water being wasted in violation of the City of Houston's Amended Certificate (Certificate of Adjudication No. 10-4963A) and state law.

Over the last several months, additional research has been done by Birch, Becker & Moorman, LLP which asserts several violations of state law, TCEQ rules, and the Amended Certificate by the City of Houston in cooperation with SJRA. In January of this year I reviewed the LCA's updated complaint and its evidence, and I was hopeful that the TCEQ would earnestly consider these new findings. I know as a state agency, the TCEQ is not subject to the politics that have come into play with this issue. However, your agency is tasked with ensuring the City of Houston and SJRA are being compliant and not misrepresenting the facts that the agency has based their decisions on. At this time no formal response has been received by the LCA in regards to their December 2020 complaint, and we are once again preparing to begin another season of wasting billions of gallons of Lake Conroe water if this program continues and the spring lowering is permitted.



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In addition to the other attachments to this letter, I have included a copy of an editorial (Attachment D) that I wrote for my local newspaper following SJRA's decision to extend the seasonal lake lowering program last year. This editorial, which was printed on February 21, 2020, shares some of the remarks I made at the public meeting prior to the SJRA board decision. I hope you will carefully review all the documents that have been provided to you so that you can see this program is, at best, a placebo that provides a false sense of security to individuals and businesses while simultaneously wasting billions of gallons of precious water.

It is my hope that the TCEQ would sincerely and urgently consider the LCA's December 2020 complaint prior to the start of the SJRA's upcoming spring seasonal lake lowering next week. Thank you for your service to the State of Texas and for your continued commitment to the high-quality water standards of our state.

Again, thank you for your attention to this matter. Please contact my office if I can be of service to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Metcalf", followed by a long horizontal line.

Will Metcalf
State Representative
House District 16

CC: TCEQ Commissioner Emily Lindley
TCEQ Commissioner Bobby Janecka
TCEQ Executive Director Toby Baker