

Why did the TCEQ approve the increased diversion rate request despite the LCA objections?

What evidence do we have that the TCEQ was misled or worse cooperated and gave approval likely knowing the increased diversion rate was for rain event lowering?

LCA answers:

Throughout 2024 and 2025 the LCA has been active in getting information, making recommendations, writing letters of concern to the SJRA and attending all SJRA Board meetings, as well as meeting twice with the TCEQ and ultimately filing formal complaints due to LCA concerns about the TCEQ and inadequate efforts as water resource regulator.

Basically, TCEQ approved the increased diversion request from the SJRA and CoH as the filing did not contain any information about using the increased diversion rate for anything outside the current water permit.

The TCEQ gave no credibility to the LCA concerns nor used the proof that the LCA provided nor explained why the LCA evidence was incorrect.

The recent actions and decisions by the TCEQ mean they will not fully investigate any claim of water permit violation or water waste if the paperwork submitted by either the SJRA or CoH allows the TCEQ to respond, “the paperwork as submitted is evidence of no current or intended future violations”.

We believe our evidence and facts were sound but fully ignored by the TCEQ on the July 2025 request for an increased diversion rate. Given our recent experience it would appear we cannot rely on TCEQ to enforce its own rules even if provided with clear evidence of waste at Lake Conroe due to flood mitigation lowering. We will ultimately address the TCEQ failures at a future time in an effective way that publicly reveals these failures and the significant water waste.

Our concerns about the use of the higher diversion rate for prerelease lowering were (inadvertently?) confirmed by the SJRA GM in his September 25, 2025, remarks – see below comments from his on the record audio remarks made in the SJRA Meeting.

Comments highlighted in yellow are from the SJRA GM. Comments in blue font are the LCA in response to the SJRA GM comments.

“This (increased diversion rate) is significant as this can significantly reduce the likelihood of releasing water when it turns out to be unnecessary. That's what we want to avoid. “

LCA Response – First this is a clear admission any prerelease water is wasted. If the SJRA claims to want to avoid unnecessary water waste then how do they defend their cooperation as Lake Conroe Operator releasing and wasting 46 billion gallons already?

“What we're doing with our application and we're using we have another tool in our toolbox that could be helpful but may never be used and I think that's an important point.

”“the maximum diversion rate if we increase it, we may never use it, but we have that as a tool in case there is a need. “

LCA response – This is a clear admission by the SJRA GM the SJRA application to the TCEQ for a higher diversion rate could be used for a non-beneficial use and violate the application and water permit. In fact, there is no logical basis to request a higher diversion rate unless it will be used for prerelease which is currently unauthorized.