

PROFIT AND LOSS DAIRY

Pete & Nova Schouten

3728 CR 229

Hico, TX 76457

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August 27, 2008

CHIEF CLERKS OFFICE

2008 AUG 28 AM 9:23

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To: Honorable Commissioners, Texas Commission on Environmental Quality
Buddy Garcia, Chairman
Larry R. Soward, Commissioner
Bryan W. Shaw, Ph.D., Commissioner

From: P & L Dairy
Pete and Nova Schouten, Applicant

Re: Docket No. 2008-0569-AGR
P & L Dairy
Permit No. WQ0003675000

We respectfully submit that the contested case hearing request made by the City of Waco should be denied. P & L Dairy's permit complies with the rules of the State of Texas; it has been deemed administratively and technically correct and has been approved by TCEQ and EPA. Let the permit, as written, stand for itself.

On July 29, 2008, we met with the City of Waco representatives under the direction of TCEQ staff in a mediation attempt. The joint effort failed.

The Commission has previously set a precedent that must be followed with this permit. On August 22, 2007, with reference to Docket No. 2007-0831-AGR (Hidden View Dairy) Commissioner Soward cited Texas Water Code, Section 5.115(a) and ruled that the City of Waco and Lake Waco water users are not an affected person. Again, on January 30, 2008, with reference to Docket No. 2007-1496-AGR (O KEE Dairy) the Commission ruled that the City of Waco was not an affected party. P & L Dairy is located approximately twenty miles farther northwest from Waco than the O KEE Dairy property.

Please deny the request by the City of Waco for a contested case hearing and issue the permit.

Thank you,



Nova Schouten