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WH OPA

RANDALL B. WILBURN

ATTORNEY AT LAW

AUG 26 2008

7408 RAIN CREEK PARKWAY
AUSTIN, TEXAS 78759

BY BP

August 21, 2008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 AUG 25 AM 10:03
CHIEF CLERKS OFFICE

Via Regular Mail and Telecopier to (512) 239-3311

Docketing Clerk
TCEQ Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

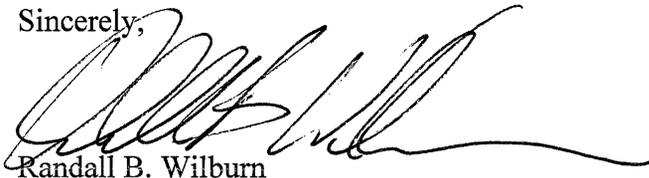
Re: TCEQ Docket 2008-0943-MWD; Application by Val Verde Development Co.,
for TPDES Permit No. WQ0014777001; Withdrawal of Protest by U.S. Air
Force, Laughlin AFB

Dear Sir or Madam:

I have enclosed a copy of the U.S. Air Force withdrawal of its request for a contested
case hearing for the above-referenced permit application.

Should you have any questions regarding this matter, please give me a call.

Sincerely,



Randall B. Wilburn

Enclosure

Cc: Marc Friberg, TCEQ Environmental Law Division (via electronic mail)
Celia Castro, TCEQ Environmental Law Division (via electronic mail)
Firoj Vahora, TCEQ Water Quality Division (via electronic mail)

MW

Ms. LaDonna Castanuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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QUALITY

Re: **TCEQ Docket 2008-0943-MWD; Application by Val Verde Development Co. for
TPDES Permit No. WQ0014777001**

Ms. Castanuela,

I, Major Matthew D. van Dalen, on behalf of the Department of the Air Force and Laughlin Air Force Base, hereby withdraw the request for a contested case hearing filed on the above-referenced permit application, and no longer wish to protest this application for the reasons listed in the attached memorandum.

Sincerely,



Authorized Representative
Department of the Air Force and Laughlin Air Force Base

Aug 21, 2008

Date

Attachment:
Memorandum re: Permit Contestation Withdrawal



DEPARTMENT OF THE AIR FORCE
47TH FLYING TRAINING WING (AETC)

AUG 21 2008

MEMORANDUM FOR MR. RANDALL B. WILBURN
7408 Rain Creek Parkway
Austin, TX 78759

FROM: 47 FTW/CC
561 Liberty Drive, Ste 1
Laughlin AFB TX 78843-5230

SUBJECT: Withdrawal of Permit Contestation—Val Verde Wastewater Plant

1. On 26 June 2007, Colonel Dan Laro Clark, Vice Commander of the 47th Flying Training Wing, Laughlin Air Force Base, Texas, provided comments objecting to a proposed municipal wastewater facility by Val Verde Development Company, permit number WQ0014777001. Specifically, Colonel Clark highlighted the fact that the proposed facility was directly below approach tracks and landing traffic patterns of Laughlin AFB aircraft. Further, the facility created the potential for increasing the amount of wildlife and bird populations in the area. The increase in bird population could create a significant bird air strike hazard and impact the safety and operations on Laughlin AFB. In addition to Colonel Clark's letter, Mr. Robert Gill from the Air Force Center for Environmental Excellence also wrote that the proposed wastewater facility could adversely impact operations at Laughlin AFB. Further, Mr. Gill filed a motion to reconsider and requested a contested hearing.
2. On 8 May 2008, the Executive Director of the Texas Commission on Environmental Quality (TCEQ) provided a response to the request for public comment. In sum, the Director stated that the requested permit for the wastewater discharge facility had complied with all requirements of applicable law. Further, the Director noted that the permitting process does not consider the possibility of bird strikes during its review for applications for permits. Based on these conclusions, the TCEQ would allow the Air Force to request reconsideration or a contested case hearing within 30 days of the 8 May 2008 letter.
3. The Air Force and Laughlin Air Force Base have acted in good faith to work responsibly with Val Verde Development Company to ensure the best interests of all parties are taken into account. The Air Force understands that its concerns, while valid, are not within the purview of the permitting agency. As such, the Air Force has intentionally allowed the 30-day contestation period to lapse and intends to take no further action to contest the permit issue.
4. Should you have any questions or concerns with this decision, please contact Major Matt van Dalen at (830) 298-5172.

A handwritten signature in black ink, appearing to read "John W. Doucette", is written over a large, stylized graphic element that resembles a checkmark or a large letter 'D'.

JOHN W. DOUCETTE, Colonel, USAF
Commander

WH OPA

AUG 22 2008

BY EB

RANDALL B. WILBURN
ATTORNEY AT LAW

7408 RAIN CREEK PARKWAY
AUSTIN, TEXAS 78759

August 21, 2008

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2008 AUG 21 PM 3:56
CHIEF CLERKS OFFICE

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

Via Regular Mail and Telecopier to (512) 239-3311

Docketing Clerk
TCEQ Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Docket 2008-0943-MWD; Application by Val Verde Development Co.,
for TPDES Permit No. WQ0014777001; Withdrawal of Protest by U.S. Air
Force, Laughlin AFB

Dear Sir or Madam:

I have enclosed a copy of the U.S. Air Force withdrawal of its request for a contested case hearing for the above-referenced permit application.

Should you have any questions regarding this matter, please give me a call.

Sincerely,

Randall B. Wilburn

Enclosure

Cc: Marc Friberg, TCEQ Environmental Law Division (via electronic mail)
Celia Castro, TCEQ Environmental Law Division (via electronic mail)
Firoj Vahora, TCEQ Water Quality Division (via electronic mail)

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Ms. LaDonna Castanuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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OPA
AUG 22 2008
BY EB

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Ms. Castanuela,

I, Major Matthew D. van Dalen, on behalf of the Department of the Air Force and Laughlin Air Force Base, hereby withdraw the request for a contested case hearing filed on the above-referenced permit application, and no longer wish to protest this application for the reasons listed in the attached memorandum.

Sincerely,



Aug 21, 2008

Authorized Representative
Department of the Air Force and Laughlin Air Force Base

Date

Attachment:
Memorandum re: Permit Contestation Withdrawal

MWD



DEPARTMENT OF THE AIR FORCE
47TH FLYING TRAINING WING (AETC)

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JOHN W. DOUCETTE, Colonel, USAF
Commander