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September 14, 2012

Les Trobman, General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

*via electronic mail:*  
[les.trobman@tceq.texas.gov](mailto:les.trobman@tceq.texas.gov)

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

*via electronic filing and  
facsimile: (512) 239-3311*

Re: Affordable Dewatering Service, LLC  
TCEQ Docket No. 2012-1401-MSW

Dear Ms. Bohac:

The Application referenced above is currently on the September 19, 2012 agenda of the Texas Commission on Environmental Quality for the purpose of a determination of Requests for a Contested Case hearing timely filed by FenceCo and Alpha Equipment. This letter is a joint request by the Requestors, FenceCo and Alpha Equipment, and the Applicant, Affordable Dewatering Service LLC, that the Commission continue this matter for a period of approximately 4 weeks to give the parties an opportunity to meet and possibly agree on matters associated with the Application.

In the last few weeks the Applicant after hiring counsel has solicited a meeting with Requestors so Applicant could have an opportunity to make an informal presentation on the engineering details associated with the proposed operation. Schedules have prevented such an on-site meeting from happening with all involved, including the principals of Requestors, engineering Consultants, and counsel. All parties are willing to have such a discussion and request that the Commission allow some additional time so that it might take place. Because of the schedules of the parties the earliest that it could happen is October 3. The Requestors are also operators of small businesses and think that, with such a discussion, there is a strong possibility that there could be an understanding reached. Both Robert Wilson, who represents the Requestors, and Chick Bailey, who represents applicants are requesting that the parties be given this time.

After realizing that the parties could not meet before the September 19, 2012 agenda, the parties agreed to request the additional time. Mr. Wilson contacted Ms. Diane Goss, who represents the Executive Director, the Office of Public Interest Counsel, and also had discussions about the matter with Todd Burkey of the TCEQ Alternative Dispute Resolution Program. None of those contacted has expressed any opposition to the granting of this Continuance.

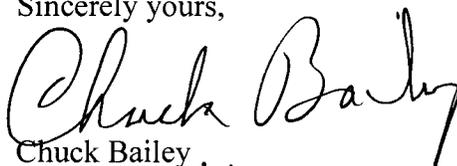
Ms. Bridget Bohac  
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Therefore the Requestors and the Applicant jointly request that this matter be continued from the September 19, 2012 Agenda of the Texas Commission on Environmental Quality for a period of at least four (4) weeks to give the Applicant and the Requestors an opportunity to have a face-to-face on the ground meeting to see if agreement about the application can be reached without the need for a contested case hearing.

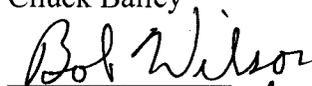
The parties will submit a status report no later than October 10, 2012.

Should additional information be required, please contact me.

Sincerely yours,



Chuck Bailey



Robert Wilson  
by permission



cc: Service List (attached)

**MAILING LIST**  
**AFFORDABLE DEWATERING SERVICE, LLC**  
**TCEQ DOCKET NO. 2012-1401-MSW**

**FOR THE APPLICANT:**

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**FOR THE EXECUTIVE DIRECTOR:**

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**FOR ALTERNATIVE DISPUTE  
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**FOR THE CHIEF CLERK:**

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**and**

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