

From: Sherry Webb
Subject: An open plea
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An Open Plea To Mr. Glenn Shankle,
Executive Director, Texas Commission on Environmental Quality
March Edition, 2007, Texas Dairy Review

Dear Mr. Shankle:

My name is Sherry Webb and I own and publish the Texas Dairy Review. I have been writing the Texas Dairy Review for over 15 years. During this time, I have written continuously about the TCEQ rules and the dairy industry's efforts to get wastewater permits in the Bosque River watershed.

My newspaper's contribution to the Bosque River dairy industry's history began in February 1992 with my first story entitled, "The Continuing Saga of Permit No. 03278." It was about a dairy producer who had spent thousands of dollars and nearly gone broke in a 22-month battle with neighbors and the then-called Texas Water Commission before his permit was finally approved. As the old saying goes, he won the battle but lost the war.

While thousands of dollars was a lot of money back then, the millions that have been spent by the dairy industry since then to deal with the same old problem is somewhat incredible.

It is understandable that in the late 80s and early 90s, the whole business of dairy permits was relatively new to producers as well as the state agency. **But, 15 years later?** The only people in this saga who have improved their efforts **are the dairies**.

Although the TCEQ has attempted to satisfy complainants and special environmental interest groups by strengthening the permit rules, their efforts have apparently failed. The dairies are meeting the required state and federal regulations but oddly enough, they, and the TCEQ, are still faced with this constant badgering by people who are not satisfied with the rules and apparently never will be---until someone finds a way to end it.

The state rules have been rewritten and revised numerous times, but the same worn-out "*I can't get a permit*" is permanently etched in my brain as history keeps repeating itself.

Tell me, Mr. Shankle: *Is this permit problem ever going to be resolved? And if it's not, then why doesn't the government, City of Waco, or whoever, buy these dairies out and quit leading them on?*

In the past month, the TCEQ and the EPA signed draft approvals on two Bosque River dairies that tediously and meticulously submitted their permit applications for renewal. But, both of these, in separate incidents, were shot down at the last minute. *The Sierra Club* filed a **request** to the TCEQ for a *contested case* hearing on Hidden View Dairy in Erath County which is still pending. The City of Waco **requested** a *public meeting* on Okee Dairy in Hamilton County which the TCEQ approved.

I know that these requests for meetings or contested case hearings can either be denied or granted by the TCEQ. But, every time the hearings are granted, as in the Okee Dairy case, it profoundly delays the progression for all dairies to operate under the new rules.

Why do we have new revised rules if the dairies are forced to continue to operate under the old rules? This constant delay in the permitting process blatantly contradicts the purpose of the new rules and is sabotaging the abilities of the TCEQ to do their job.

Surely you would agree, this drama has gone on long enough. *But, what more can the dairy industry do?*

Over the years, dairies have spent millions of dollars to comply with every revision the TCEQ has made. They have hired professional engineers to get their dairies in tip-top shape. If they couldn't afford to do any of this, they either left this area or went out of business.

Then---there were the pointless lawsuits where agreements were reached but no one (except the attorneys) won. The case was dropped---*a decision never rendered*.

Dairies in the lawsuit are protected from the City of Waco interfering with their permits, but it doesn't protect them from the *Sierra Club* or others. And, the remaining Bosque River dairies are wide-open to anyone.

As you know, some of the complaints named by either the *Sierra Club* or the *City of Waco* are "self-proclaimed concerns" that are not addressed in the TCEQ rules. *If these concerns are so important, then why aren't they part of the permit rules?*

Clearly, this tactic by parties who oppose dairies *in general* is basically an underhanded scheme to delay the permitting process. I understand that your job is very difficult in trying to satisfy these complaints, but, look at what the dairies have gone through.

This permit delay impedes a dairy's financial status with their bankers, creditors and feed companies, and leaves no future for their children. With no up-to-date permit, these dairies are worthless. *How can the state let a few special interest groups destroy a viable and healthy economy in this area?*

Nevertheless, we have some very strong and courageous dairy producers who in spite of financial burdens, lawsuits, and a future that hangs in the balance, are determined to remain in this area.

Texas does have a "right to farm" act, and the dairies have every right to be here whether Waco or the Sierra Club likes it or not. Let's not forget that these dairies and their owners are a valuable commodity to this nation's milk supply. Our milk supply is an AMERICAN product that cannot be reproduced by our scientists or by any other country's scientists.

As long as the dairies are in compliance with the state and federal regulations, the TCEQ should be able to deny these intrepid and endless requests for hearings by special interest groups whose overall intent is clearly to stop dairies from operating and put them out of business.

As you know, the City of Waco very much had a part in the revision of the rules. The overall purpose of the new rules was to make the waters of the state safer by providing more stringent rules for dairies to make them more environmentally sound. *If that is the case, then why can't we go forward with the original intention of the new rules and leave this obvious tactic by the opposition behind us?* It is quite clear that no matter what lengths the dairies are pushed to, the opposition will never be satisfied as long as they are allowed to keep playing their game.

Please expedite these permits and see to it that these dairies can operate under the new rules they have earned and so-well deserve. They have done their job. Now, it's time for the TCEQ to do theirs.

Thank you for your time and consideration in this matter.

Sincerely,

Sherry Webb