

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR CAFO WATER QUALITY PERMIT

New

PERMIT NO. WQ0005476000

APPLICATION AND PRELIMINARY DECISION. Nico Jaap Deboer, 19008 Farm-to-Market Road 3079, Chandler, Texas, 75758 has applied to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005476000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to operate an existing dairy cattle facility at a maximum capacity of 3,021 head, of which 2,621 head will be milking cows, with a total land application area of 480 acres and a list of alternative crops that includes Coastal, Common Grass, Corn, Ryegrass, Small Grain, and Sorghum with their various yield goals. This dairy facility is currently operating under the CAFO general permit with Authorization Number TXG920108, which will be terminated upon the issuance of the individual permit. TCEQ received this application on December 31, 2024.

The facility is located at 7880 East State Highway 154, Winnsboro, Wood County, Texas 75494, with a part of Land Management Unit (LMU) #7 located in Upshur County. The facility is located in the drainage areas of the Little Cypress Bayou in Segment No. 0409 of the Cypress Creek River Basin and the Big Sandy Creek in Segment No. 0514 of the Sabine River Basin. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.17006,32.761905&level=18>

For the exact location, refer to the application.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. This permit is consistent with the requirements of the antidegradation implementation procedures in 30 Texas Administrative Code §307.5 (c)(2)(G) of the Texas Surface Water Quality Standards and no lowering of water quality is anticipated. The TCEQ Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's Preliminary Decision, and draft permit are available for viewing and copying at the **Texas A&M Agrilife Extension Service, 301 East Butler Street, Gilmer, Texas 75644** and **Texas A&M Agrilife Extension Service, 618 South Main Street, Quitman, Texas 75783**. The application, including any updates, and associated notices are available electronically at the following webpage:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/cafo-applications>.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/cafo-applications>.

CHANGE IN LAW. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in law.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number, applicant's name and permit number, the location and distance of your property/activities relative to the facility, a specific description of how you would be adversely affected by the facility in a way not common to the general public, a list of all disputed issues of fact that you submit during the comment period and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence, identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity, provide the information discussed above regarding the affected member's location and distance from the facility or activity, explain how and why the member would be affected, and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Mr. Nico Jaap Deboer at the address stated above or by calling Mr. Jim Wyrick, East Texas Environmental Services at (903)243-0400.

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