

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
BLUE SKY FARMS, LLC
SOAH Docket No. 582-19-4890
TCEQ Docket No. 2019-0026-AGR
Permit No. WQ0003077000**

APPLICATION.

Blue Sky Farms, LLC, 4611 South Farm-to-Market Road 219, Dublin, Texas 76446 has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0003077000, for a Concentrated Animal Feeding Operation (CAFO) to authorize the applicant to add five new land management units (LMUs): LMU #12 - 156 acres, LMU #13 - 63 acres, LMU #14 - 174 acres, LMU #15A - 56 acres and LMU #15B - 64 acres; increase the acreage of LMU #6 from 83 to 86 acres and LMU #7 from 76 to 89 acres; and reconfigure LMUs #3, #4 and #9 so that the acreage of LMU #3 will decrease from 60 to 41 acres, and LMU #4 and LMU #9 will increase from 42 to 58 acres and 25 to 28 acres, respectively. The total land application area has increased from 682 to 1,211 acres. Other proposed changes include the expansion of the cross ventilated barn, addition of Well #15 and plugging of Wells #14 and #16. The authorized maximum capacity of 7,100 total dairy cattle, of which 3,100 head are milking cows, remains unchanged. The application was revised after the publication of the Notice of Receipt of Application and Intent (NORI) to increase the total land application area from 682 to 1,211 acres, instead of the total acreage of 1,209 stated in the NORI. TCEQ received this application on February 21, 2018.

The facility is located on the east side of Farm-to-Market Road 219 approximately 2.25 miles south of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 1702, Dublin in Erath County, Texas. The facility is located in the drainage area of the Leon River Below Proctor Lake and the North Bosque River in Segment Nos. 1221 and 1226 of the Brazos River Basin. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.048611&lng=-98.301388&zoom=13&type=r>>. For the exact location, refer to the application.

The TCEQ Executive Director has prepared a draft permit which, 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 (TAC) § 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 Commission on Environmental Quality Region 4, Stephenville Office, 580 West Lingleville Road, Suite D, Stephenville, Texas 76401.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

**10:00 a.m. – July 25, 2019
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on April 26, 2019. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from Mr. Harry DeWit, Blue Sky Farms, LLC at the address stated above or by calling Mr. Corey Mullin, Enviro-Ag Engineering, Inc. at 254-965-3500.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: June 10, 2019

A handwritten signature in black ink that reads "Bridget C. Bohac". The script is cursive and fluid, with the first name "Bridget" being more prominent than the last name "Bohac".

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality