

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**VAN RUITEN DAIRY PARTNERS
SOAH Docket No. 582-22-1085
TCEQ Docket No. 2021-1003-AGR
Permit No. WQ0003290000**

APPLICATION.

Van Ruiten Dairy Partners (formerly Peter Wilfridus DeRidder), 3813 County Road 396, Dublin, Texas 76446, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003290000, for a Concentrated Animal Feeding Operation (CAFO) to authorize the applicant to replace the list of alternative crops and yield goals, add one new land management unit (LMU) LMU #4 – 18 acres, reconfigure existing LMUs, and increase the total land application area from 93 to 138 acres. One existing water well (Well #5) was added to the permit; one freestall barn is proposed to be added to the production area; and the drainage areas of the retention control structures (RCSs) were reconfigured, which necessitated the revision to the design calculations for the RCSs. The required capacities for RCS #1 changed from 14.62 to 15.76 ac-ft and RCS #2 changed from 5.87 to 7.61 ac-ft. The maximum capacity of 990 head total dairy cattle, all of which are milking cows will not change. TCEQ received this application on April 23, 2020.

The facility is located at 1572 County Road 202, Iredell, Erath County, Texas. The facility is located in the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin. Land management unit #4 is located in the drainage area of the Paluxy River/North Paluxy River in Segment 1229 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:

<<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.923611%2C32.141111&level=12>>. 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.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – February 22, 2022

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 881 8211

Password: 1085TCEQ

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 881 8211

Password: 98803496

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be 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 November 9, 2021. 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 www.tceq.texas.gov.

Further information may also be obtained from Mr. Bart Van Ruiten at the address stated above or by calling Mr. Matthew Gray, 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 512-475-4993, at least one week prior to the hearing.

Issued: January 5, 2022

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality