

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2024

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

RE: Application by Leprino Foods Company for TPDES Permit No. WQ0005417000;
TCEQ Docket No. 2024-1181-IWD

Dear Ms. Gharis:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the Executive Director's Response to Hearing Requests.

Please do not hesitate to contact me at Kathy.humphreys@tceq.texas.gov if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kathy J. Humphreys".

Kathy Humphreys, Staff Attorney – Environmental Law Division

Enclosure

cc: Mailing List

TCEQ DOCKET NO. 2024-1181-IWD

**APPLICATION BY LEPRINO FOODS
COMPANY FOR NEW
TPDES PERMIT NO.
WQ0005417000**

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**BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY**

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS and MOTION FOR
RECONSIDERATION**

I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests and Motion for Reconsideration on the application by Leprino Foods Company (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000, to authorize the discharge of process wastewater, utility wastewater, and water treatment wastes at a daily average flow not to exceed 2.0 million gallons per day (MGD) via Outfall 001, and the disposal of brine water at a daily average flow not exceed 80,000 gallons per day via evaporation. The draft permit does not authorize the discharge of domestic wastewater.

The Office of the Chief Clerk received timely contested case hearing requests from Legal Aid of Northwest Texas representing Stop the Oppression of Our People (STOP) and Kathyl Anderson. The Office of Chief Clerk also received a timely Request for Reconsideration from STOP.

The Executive Director recommends that the Commission deny all hearing requests.

Attached for Commission consideration is a satellite map of the area showing the locations of the facility and requestors.

II. FACILITY DESCRIPTION

Leprino Foods submitted an application to TCEQ on September 30, 2022, for a new TPDES Permit No. WQ0005417000 to authorize the discharge of process wastewater, utility wastewater, and water treatment wastes at a daily average flow not to exceed 2.0 million gallons per day (MGD) via Outfall 001, and the disposal of brine water at a daily average flow not exceed 80,000 gallons per day via evaporation. The draft permit does not authorize the discharge of domestic wastewater.

The production facility will be located at 4301 East 19th Street and the wastewater treatment facility will be located at 4502 East 4th Street, in the City of Lubbock, Lubbock County, Texas 79403.

The effluent will be discharged to Canyon Lake #6, thence to the North Fork Double Mountain Fork Brazos River, thence to Double Mountain Fork Brazos River in

Segment No. 1241 of the Brazos River Basin. The unclassified receiving water uses are high aquatic life use for Canyon Lake #6 and North Fork Double Mountain Fork Brazos River. The designated uses for Segment No. 1241 are primary contact recreation and high aquatic life use.

III. PROCEDURAL BACKGROUND

The TCEQ received the application on September 30, 2022, and declared it administratively complete on October 17, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on November 1, 2022, in the *Lubbock Avalanche Journal*, and on November 3, 2022 in the *El Editor Newspaper*. The Executive Director completed the technical review of the application on October 17, 2022, The Notice of Application and Preliminary Decision (NAPD) was published in *Lubbock Avalanche Journal* and the *El Editor Newspaper* the on May 18, 2023. The Notice of the Public Meeting was published the Lubbock Avalanche Journal on September 20, 2023, and in Spanish in the *El Editor* on September 21, 2023. A public meeting was held on October 24, 2023, at the American Windmill Museum. The public comment period ended at the conclusion of the public meeting.

The Executive Director's Response to Public Comment (RTC) was filed on June 3, 2024, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on July 10, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. This application is subject to those changes in the law.

IV. EVALUATION OF HEARING REQUESTS

HB 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. SB 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request.¹

Responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) whether issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or law;

¹ 30 Texas Administrative Code (TAC) Section (§) 55.209(d).

- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.²

B. Hearing Request Requirements

For the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . ., based only on the requester's timely comments, and not based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.³

A hearing request must substantially comply with the following:

- (1) give the name, address, telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who is responsible for receiving all official communications and documents for the group;
- (2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

² 30 Texas Administrative Code (TAC) Section (§) 55.209(e).

³ 30 TAC § 55.201(c).

(5) provide any other information specified in the public notice of application.⁴

C. Requirement that Requestor be an Affected Person

To grant a contested case hearing, the Commission must determine that a requestor is an “affected person” by conducting the following analysis:

- (a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - (1) whether the interest claimed is one protected by the law under which the application will be considered;
 - (2) distance restrictions or other limitations imposed by law on the affected interest;
 - (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
 - (6) whether the requester timely submitted comments on the application which were not withdrawn; and
 - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.
- (d) In making this determination, the commission may also consider, to the extent consistent with case law:
 - (1) the merits of the underlying application and supporting documentation in the commission’s administrative record, including whether the application meets the requirements for permit issuance;
 - (2) the analysis and opinions of the Executive Director; and

⁴ 30 TAC § 55.201(d).

- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.⁵

Under 30 TAC § 55.205(a), a group or association may request a contested case hearing only if the group or association meets the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.⁶

Additionally, for applications filed on or after September 1, 2015, a hearing request by a group or association for a contested case may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.⁷

D. Referral to the State Office of Administrative Hearings

When the Commission grants a request for a contested case hearing, the Commission shall issue an order specifying the number and scope of the issues to be referred to State Office of Administrative Hearing (SOAH) for a hearing.⁸ The Commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application.⁹

⁵ 30 TAC § 55.203(a)-(d).

⁶ 30 TAC § 55.205(a)(1)-(3).

⁷ 30 TAC § 55.205(b)(1)-(4).

⁸ 30 TAC § 50.115(b).

⁹ 30 TAC § 55.203(d).

V. ANALYSIS OF THE HEARING REQUESTS

For this permit application, the relevant public comment period ended on October 24, 2023, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on July 10, 2024. The Executive Director's analyses determined whether the Requests followed TCEQ rules, if the requestors qualify as affected persons, what issues may be referred for a possible hearing, and the length of that hearing.

A. **Whether the Request Complied with 30 TAC §§ 55.201(c) and (d), 55.203, and 55.205(b).**

Persons the Executive Director recommends the Commission find to be Affected Persons

None.

Persons the Executive Director recommends the Commission find are not Affected Persons

Stop the Oppression of Our People (STOP)

Under 30 TAC § 55.201(d)(4)(B), requests for contested case hearings must list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period. In addition to the requirements of 30 TAC § 55.201, groups or organizations requesting a contested case hearing must meet all of the requirements set forth in 30 TAC § 55.205(b). One of these requirements is that the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right.

STOP filed timely comments and hearing requests that provided the requisite contact information, raised issues that form the basis of its request in timely comments not withdrawn before the RTC was filed, and requested a hearing. In its request, STOP articulated several concerns with the draft permit. However, STOP did not identify a member that would have standing in their own right, as required under 30 TAC § 55.205(b)(2).

In its hearing request STOP identified Sonya Fair as a member who would have standing in her own right. According to STOP, Ms. Fair's backyard overlooks the lake; her property line is approximately 300 feet from the water and less than ¼ mile from the outfall. STOP's hearing requests identified Ms. Fair's concerns as: odor, health, recycling, use and enjoyment of her property; harm to wildlife; the negative impact to the use and enjoyment of the lake by the community; and recycling. Based on the information in STOP's hearing requests, STOP did not demonstrate how Ms. Fair would be affected differently from the general public because: odor concerns are not relevant to industrial permits; neither STOP nor Ms. Fair demonstrated how the use and enjoyment of her property or her health would be negatively impacted by the proposed discharge, given the distance of her property from the outfall and proposed discharge

route; and Ms. Fair's general concerns over harm to wildlife and the use of the lake are interests in common to the general public. Finally, recycling is not relevant and material to the issuance of the permit. Thus, the Executive Director recommends the Commission find that STOP did not meet the requirements of 30 TAC § 55.205 for associational standing.

The Executive Director recommends the Commission find that STOP did not meet the requirements of 30 TAC § 55.205 for associational standing and deny its hearing request.

Kathyl Anderson

Ms. Anderson submitted a timely hearing request with the proper identifying information; however Ms. Anderson did not provide comments, nor did she describe how she would be affected differently than the general public. 30 TAC § 55.203(a) provides "An interest common to members of the general public does not qualify as a personal justiciable interest." 30 TAC § 55.203. Ms. Anderson's hearing request is a form letter dated 3/23/23 with "Yes" circled (I request a public meeting regarding this application). On the back of the form letter Ms. Anderson provides "I request a contested case hearing and would like STOP to represent me as a member."

The Executive Director recommends the Commission find that Kathyl Anderson did not meet the requirements of 30 TAC § 55.203 for standing and deny her hearing request.

B. Whether the Issues the Requestors Raised are Referable to the State Office of Administrative Hearings (SOAH).

The Executive Director has analyzed issues raised in accordance with the regulatory criteria.

All issues were raised by STOP during the public comment period and addressed in the Executive Director's Response to Comments. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.¹⁰ The issues raised for this application and the Executive Director's analysis and recommendations follow in the event the Commissioners grant any of the hearing requests:

Issue 1. Whether the draft permit will cause elevated levels of Enterococci in the receiving water. (RTC Comment 14)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer the issue to SOAH.

¹⁰ Tx. Govt. Code § 2003.047(e-1); 30 TAC § 55.211(c)(2)(A)(ii).

Issue 2. Whether the Executive Director’s antidegradation review complies with the Clean Water Act. (RTC Comment 15)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer the issue to SOAH.

Issue 3. Whether the draft permit includes appropriate notification requirements. (RTC Comment 38)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer the issue to SOAH.

Issue 4. Whether the draft permit includes appropriate requirements regarding the acceptance of third-party wastewater. (RTC Comment 40)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer the issue to SOAH.

Issue 5. Whether the draft permit will protect human health and the environment. (Supplemental comments 5, 10)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer the issue to SOAH.

Issue 6. Whether the draft permit includes adequately addresses the control of nuisance odors in accordance with the TCEQ’s rules. (RTC Comment 8).

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit because odor mitigation is not required for industrial TPDES permits. Therefore, the Executive Director recommends the Commission **not** refer the issue to SOAH.

Issue 7. Whether TMDL should be developed for Canyon Lake #6. (RTC Comment 2)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission **not** refer the issue to SOAH.

Issue 8. Whether the Executive Director's technical review was sufficient. (RTC Comments 13, 49, 54, 55).

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 9. Whether the draft permit should be more stringent. (RTC Comments 6, 16, 17, 18, 19, 36, 37, 39, 41, 42, 43, 44, 46, 48, 53, and supplemental comments 19, 20, and 21)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 10. Whether the Executive Director improperly shifted its regulatory duty to the public by limiting the comment period to 30-days. (RTC Comment 3)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 11. Whether the Applicant could have chosen a different location for the facility. (RTC Comment 11)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 12. Whether the permit, if issued, will negatively impact air quality. (RTC Comment 21)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 13. Whether the water quality in Canyon Lake has been tested recently. (RTC Comment 31)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 14. Whether there have been any odor complaints at Canyon Lake number 6. (RTC Comment 32)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 15. Whether EPA's failure to develop effluent limits for oil and grease fails to protect human health. (RTC Comment 45)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 16. Whether the Executive Director should consider the effects of climate change in evaluating an application for a TPDES permit. (RTC Comment 50)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 17. Whether Leprino has other similar facilities. (RTC Comments 51 and 52)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 18. Whether the Executive Director should have considered climate change and other social, environmental, and economic challenges in the review of the Leprino application. (RTC Comment 67)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 19. Whether the Executive Director should have considered the July 14, 2023, Title VI complaint regarding industrial zoning in majority black and Hispanic neighborhoods. (RTC Comment 4)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the ED recommends the Commission not refer the issue to SOAH.

Issue 20. Whether the Executive Director should have used EPA’s EJ Screen to evaluate the impact of environmental discrimination in the area. (RTC Comment 5)

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, but is not relevant or material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

Issue 21. Whether the Executive Director should have considered the Department of Energy’s Environmental Justice Strategy Updates and revisions. (RTC Comment 68)

This issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer the issue to SOAH.

VI. REQUEST FOR RECONSIDERATION

TCEQ’s rules provide that the request for reconsideration must expressly state that the person is requesting reconsideration of the executive director’s decision and provide reasons why the decision should be reconsidered. 30 TAC § 55.201(e). None of the Requests for Reconsideration meet this standard.

The Commission received timely Requests for Reconsideration from STOP. After reviewing the Requests for Reconsideration, the Executive Director did not see any cause for changing the draft permit. Because the Executive Director continues to support the draft permit, the Executive Director recommends the Commission deny all Requests for Reconsideration.

VII. INCORPORATION OF INFORMAL COMMENTS BY STOP AS FORMAL COMMENTS

Wendy Hammond, representing Stop the Oppression of Our People (STOP), submitted a SD card containing the audio file of the informal discussion period of the Public Meeting as part of STOPs formal comments. As discussed in the notice of the Public Meeting and by the TCEQ moderator at the public meeting, the comments and questions submitted orally during the Informal Discussion Period are not considered before a decision is reached on the permit application and no formal response to informal comments is made.¹¹ Responses to informal questions and comments were provided orally during the Informal Discussion portion of the public meeting consistent with long standing TCEQ practice.

During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared

¹¹ See Attachment A.

by the Executive Director. All formal comments will be considered before a decision is reached on the permit application.

The Executive Director respectfully recommends the Commission not consider the informal comments in its decision.

VIII. CONTESTED CASE HEARING DURATION

If the Commission grants a hearing on this application, the Executive Director recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a Proposal for Decision to the Commission.

IX. EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends the following actions by the Commission:

- a. Deny the Hearing Request of Stop the Oppression of Our People and Kathyl Anderson
- b. Deny the Request for Reconsideration.
- c. Should the Commission decide to refer this case to SOAH:
 - i. refer the case to Alternative Dispute Resolution for a reasonable time; and
 - ii. refer the following issues. to SOAH for a contested case hearing.

Issue 1. Whether the draft permit will cause elevated levels of Enterococci in the receiving water. (RTC Comment 14)

Issue 2. Whether the Executive Director's antidegradation review complies with the Clean Water Act. (RTC Comment 15)

Issue 3. Whether the draft permit includes appropriate notification requirements. (RTC Comment 38)

Issue 4. Whether the draft permit includes appropriate requirements regarding the acceptance of third-party wastewater. (RTC Comment 40)

Issue 5. Whether the draft permit will protect human health and the environment. (Supplemental comments 5, 10)

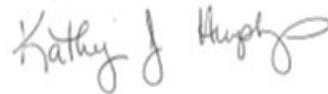
Respectfully submitted,

Texas Commission on Environmental
Quality

Kelly Keel, Interim Executive Director

Erin Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Kathy Humphreys, Staff Attorney
Environmental Law Division
State Bar No. 24006911
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-3417
Email: Kathy.humphreys@tceq.texas.gov

CERTIFICATE OF SERVICE

I certify that on August 5, 2024, the Executive Director's Response to Hearing Requests for TPDES Permit No. WQ0005417000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.



Kathy Humphreys, Staff Attorney
Environmental Law Division

MAILING LIST
Leprino Foods Company
TCEQ Docket No./TCEQ Expediente N.º 2024-1181-IWD;
TPDES Permit No./TPDES Permiso N.º WQ0005417000

FOR THE APPLICANT/PARA EL SOLICITANTE

Hannan Bradish
Environmental Compliance Engineer
Leprino Foods Company
1830 West 38th Avenue
Denver, Colorado 80211

Allen Rienstra
Consultant Trinity Consultants
6150 Clifton Street
Beaumont, Texas 77708

FOR THE EXECUTIVE DIRECTOR/PARA EL DIRECTOR EJECUTIVO

via electronic mail/vía correo electrónico:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Thomas Starr, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL/PARA ABOGADOS DE INTERÉS PÚBLICO

via electronic mail/vía correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE RESOLUTION/PARA LA RESOLUCIÓN ALTERNATIVA DE DISPUTAS

via electronic mail/vía correo electrónico:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK/PARA EL SECRETARIO OFICIAL

via eFilings:

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

<https://www.tceq.texas.gov/goto/efilings>

REQUESTER(S)/INTERESTED PERSON(S)/ SOLICITANTE(S)/ PERSONA(S) INTERESADA(S)

See attached list/Ver lista adjunta.

REQUESTER(S)/ SOLICITANTE(S)

Anderson, Kathyl
2914 Ute Ave
Lubbock Tx 79404-2038

Hammond, Wendi
Legal Aid Of Northwest Texas
Ste 1420
400 S Zang Blvd
Dallas Tx 75208-6600

Oualline, Mark
Legal Aid Of Northwest Texas
Ste 502
1001 Main St
Lubbock Tx 79401-3321

Attachment A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF PUBLIC MEETING FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

NEW

Permit No. WQ0005417000

APPLICATION. Leprino Foods Company, 1830 West 38th Avenue, Denver, Colorado 80211, which proposes to operate Leprino Foods Lubbock Manufacturing Facility, a mozzarella cheese and nutrition (powdered dairy) products manufacturing facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000, to authorize the discharge of process wastewater, utility wastewater, and water treatment wastes at a **daily average flow** not to exceed 2,000,000 gallons per day via Outfall 001, and **the disposal of high total dissolved solids (TDS) water (such as brine, reverse osmosis reject, and other wastewaters high in TDS) at an annual average flow not exceed 80,000 gallons per day via evaporation.** The TCEQ received this application on September 30, 2022.

The wastewater facility will be located at **4502 East 4th Street**, in the City of Lubbock, Lubbock County, Texas 79403. 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. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-101.7775%2C33.580277&level=12>

The effluent will be discharged to Canyon Lake #6, thence to the North Fork Double Mountain Fork Brazos River, thence to Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin. The unclassified receiving water uses are high aquatic life use for Canyon Lake #6 and North Fork Double Mountain Fork Brazos River. The designated uses for Segment No. 1241 are primary contact recreation and high aquatic life use.

In accordance with Title 30 Texas Administrative Code Section 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Canyon Lake #6 or North Fork Double Mountain Fork Brazos River, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. 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. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

**Tuesday, October 24, 2023 at 7:00 PM
American Windmill Museum
1701 Canyon Lake Drive
Lubbock, Texas 79403**

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at TCEQ-Region 2, 5012 50th Street, Suite 100, Lubbock, Texas. Further information may also be obtained from Leprino Foods Company at the address stated above or by calling Ms. Kim DeVigil, Director of Communications, at (303) 264-5336.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Issued: September 11, 2023

COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS



AVISO DE REUNIÓN PÚBLICA PARA EL PERMISO TPDES PARA AGUAS RESIDUALES INDUSTRIALES

NUEVO

Permiso N.º WQ0005417000

APLICACIÓN. Leprino Foods Company, 1830 West 38th Avenue, Denver, Colorado 80211, que propone operar Leprino Foods Lubbock Manufacturing Facility, una instalación de fabricación de queso mozzarella y productos de nutrición (lácteos en polvo), ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) un nuevo permiso, el Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES, por sus siglas en inglés) Permiso N.º WQ0005417000, autorizar la descarga de aguas residuales de proceso, aguas residuales de servicios públicos y desechos de tratamiento de agua a un flujo promedio diario que no exceda los 2,000,000 galones por día a través del desagüe 001, y la eliminación de agua de sólidos disueltos totales (TDS, por sus siglas en inglés) (como salmuera, rechazo de ósmosis inversa y otras aguas residuales con alto contenido de TDS) a un flujo promedio anual que no exceda los 80,000 galones por día por evaporación. La TCEQ recibió esta solicitud el 30 de septiembre del 2022.

La instalación de aguas residuales estará ubicada **en 4502 East 4th Street**, en la ciudad de Lubbock, Condado de Lubbock, Texas 79403. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como cortesía pública y no forma parte de la solicitud o aviso. Para conocer la ubicación exacta, consulte la solicitud.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-101.7775%2C33.580277&level=12>

El efluente se descargará al lago Canyon #6, de allí al Río Brazos de North Fork Double Mountain Fork, de allí al Río Brazos de Double Mountain Fork en el segmento N.º 1241 de la Cuenca del Río Brazos. Los usos no clasificados del agua receptora son de alto uso de vida acuática para Canyon Lake # 6 y North Fork Double Mountain Fork Fork Brazos River. Los usos designados para el Segmento N.º 1241 son la recreación de contacto primario y el alto uso de la vida acuática.

De acuerdo con el Título 30 del Código Administrativo de Texas, Sección 307.5 y los Procedimientos de la TCEQ *para implementar los Estándares de Calidad del Agua Superficial de Texas* (junio del 2010), se realizó una revisión antidegradación de las aguas receptoras. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán criterios numéricos y narrativos para proteger los usos existentes. Una revisión de Nivel 2 ha determinado preliminarmente que no se espera una degradación significativa de la calidad del agua en Canyon Lake # 6 o North Fork Double Mountain Fork Brazos River, que se ha identificado que tiene un alto uso de vida acuática. Los usos existentes se mantendrán y protegerán. La determinación preliminar puede ser reexaminada y puede ser modificada si se recibe nueva información.

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un proyecto de permiso. El bosquejo de permiso, si se aprueba, establecería las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha adoptado una decisión preliminar de que este permiso, si se expide, cumple todos los requisitos legales y reglamentarios.

AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA. Se llevará a cabo una reunión pública que constará de dos partes, un Período de Discusión Informal y un Período Formal de Comentarios. Una reunión pública no es una audiencia de caso impugnado en virtud de la Ley de Procedimiento Administrativo. Durante el Período de Discusión Informal, se alentará al público a hacer preguntas al solicitante y al personal de la TCEQ sobre la solicitud de permiso. Los comentarios y preguntas presentados oralmente durante el Período de Discusión Informal no serán considerados antes de que se llegue a una decisión sobre la solicitud de permiso y no se dará una respuesta formal. Las respuestas se proporcionarán oralmente durante el Período de Discusión Informal. Durante el Período de Comentarios Formales sobre la solicitud de permiso, los miembros del público pueden declarar sus comentarios formales oralmente en el registro oficial. El Director Ejecutivo preparará una respuesta por escrito a todas las observaciones oportunas, pertinentes y materiales, o significativas. Todos los comentarios formales serán considerados antes de llegar a una decisión sobre la solicitud de permiso. Se enviará una copia de la respuesta por escrito a cada persona que presente un comentario formal o que haya solicitado estar en la lista de correo para esta solicitud de permiso y proporcione una dirección postal. Solo se pueden considerar las cuestiones relevantes y materiales planteadas durante el Período de Comentarios Formales si se concede una audiencia de caso impugnado sobre esta solicitud de permiso.

La Reunión Pública se convocará:

martes, 24 de octubre del 2023 a las 7:00 PM
American Windmill Museum
1701 Canyon Lake Drive
Lubbock, Texas 79403

INFORMACIÓN. Se alienta a los miembros del público a enviar comentarios por escrito en cualquier momento durante la reunión o por correo antes del cierre del período de comentarios públicos a Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente en www.tceq.texas.gov/goto/comment. Si necesita más información sobre la solicitud de permiso o el proceso de permisos, llame al Programa de Educación Pública de la TCEQ, al número gratuito, al 1-800-687-4040. *Si desea información en español, puede llamar al 1-800-687-4040.* Puede encontrar información general sobre la TCEQ en nuestro sitio web en <https://www.tceq.texas.gov>.

La solicitud de permiso, la decisión preliminar del Director Ejecutivo y el bosquejo del permiso están disponibles para ver y copiar en TCEQ-Region 2, 5012 50th Street, Suite 100, Lubbock, Texas. También se puede obtener más información de Leprino Foods Company en la dirección indicada anteriormente o llamando a la Sra. Kim DeVigil, Directora de Comunicaciones, al (303) 264-5336.

Las personas con discapacidades que necesiten acomodaciones especiales en la reunión deben

llamar a la Oficina del Secretario Oficial al (512) 239-3300 o 1-800-RELAY-TX (TDD) al menos cinco días hábiles antes de la reunión.

Emitido: 11 de septiembre del 2023

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 ATTN: GCW
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: LEPRINO FOODS COMPANY
PERMIT NO.: WQ0005417000 CCO#: 130150
NOTICE OF PUBLIC MEETING

AFFIDAVIT OF PUBLICATION
FOR WATER QUALITY APPLICATION PUBLIC MEETING

STATE OF TEXAS '
COUNTY OF Lubbock '

Before me, the undersigned authority, on this day personally appeared
Amalia Agiero, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the Publisher
(title of newspaper representative)

of the El Editor Newspaper; that said newspaper is
(name of newspaper)

regularly published in Lubbock County, Texas, and is a newspaper that is regularly
published or generally circulated within Lubbock

County/Countries;

and that the attached notice was published in said newspaper on the following date(s): September 21, 2023

[Signature]
Newspaper Representative's Signature

Subscribed and sworn to before me this the 21ST day of September,
20 23, to certify which witness my hand and seal of office.

(Seal)



[Signature]
Notary Public in and for the State of Texas
Jaime De La Cruz
Print or Type Name of Notary Public

My Commission Expires 04-22-2025

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 ATTN: GCW
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: LEPRINO FOODS COMPANY
PERMIT NO.: WQ0005417000 CCO#: 130150
NOTICE OF PUBLIC MEETING

AFFIDAVIT OF PUBLICATION
FOR WATER QUALITY APPLICATION PUBLIC MEETING

STATE OF WISCONSIN

COUNTY OF Brown

Before me, the undersigned authority, on this day personally appeared
mariah verhagen, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the Legal Clerk
(title of newspaper representative)

of the Lubbock Avalanche Journal; that said newspaper is
(name of newspaper)

regularly published in Lubbock County, Texas, and is a newspaper that is regularly
published or generally circulated within Lubbock

County/Countries:

and that the attached notice was published in said newspaper on the following date(s): Sept. 20, 2023

Mariah Verhagen

Newspaper Representative's Signature

Subscribed and sworn to before me this the 27 day of Sept
20 23, to certify which witness my hand and seal of office.

(Seal)

Vicky Felty

Notary Public in and for the State of Wisconsin

Vicky Felty

Print or Type Name of Notary Public

My Commission Expires 9/19/25

VICKY FELTY
Notary Public
State of Wisconsin



Texas Tech Health Sciences Center President Lori Rice-Speaman cutting the ribbon on the Institute of Telehealth and Digital Innovation on Tuesday morning in Lubbock surrounded by Tech System officials, state and local lawmakers and TTUHSC employees. PHOTOS PROVIDED BY TTUHSC

Institute

Continued from Page 1A

these communities.”

Rice-Speaman said the interest in helping advance rural healthcare started even before her, with then-TTUHSC president and now Texas Tech University System Chancellor Dr. Tedd Mitchell.

The TTUHSC has been doing telehealth long before it was “a cool thing to do,” Chancellor Mitchell said. The institution did it out of necessity for the region.

Mitchell said the university has been championing or funding rural healthcare, however, it has been a struggle.

“There’s not some nefarious plot in Austin not to take care of rural Texas,” he said. “It’s just out of sight, out of mind.”

Mitchell said it is vital to take care of those who live in West Texas because not only do they contribute to the two biggest sectors of the Texas economy — energy and agriculture — but they also have a nationwide impact.

“If you look at Amarillo, Texas, this is the epicenter of the nation’s — not the state — the nation’s beef industry. If you look at Lubbock, Texas, this is the epicenter of the nation’s — not the state — the nation’s fiber industry,” Mitchell said. “If you look at the Permian Basin, this is the epicenter of the nation’s — not the state’s — energy sector.”

With the rural communities impacting the nation, the institute will also have a national impact and help advance healthcare.

“We can teach people around the country how to do these things and do them well,” Mitchell said. “What works well in telehealth in West Texas can be applied in Idaho or Iowa or even in areas of Houston that are healthcare deserts.”

To lead such a new endeavor at TTUHSC, President Rice-Speaman said she set out to look for the “unicorn” among the masses. Someone passion-



Executive Director John Gachago of the Institute of Telehealth and Digital Innovation speaking at the ribbon cutting ceremony of the new institute at TTUHSC on Tuesday morning in Lubbock

ate about rural and telehealth and aligns with the university’s values.

Rice-Speaman said she did find the “unicorn” — John Gachago, who now serves as Executive Director for the Institute of Telehealth and Digital Innovation.

“As I stand here before you as the leader of this new institute I want you to know that really our mission is to serve. That’s all it is,” said Gachago, who believes serving in this capacity is one of the reasons he was put on this Earth. “We’re here to serve, we just use digital tools.”

Executive Vice President Billy Phillips Jr. of Rural and Community Health at TTUHSC said this new institute will allow the university to focus on training the next generation of doctors in using technology to advance patient care.

Phillips is also the director of the Marie Hall Institute for Rural and Community Health at TTUHSC and said he will be collaborating with Gachago on initiatives.

“What he and I are going to do together is serve the call to bring access to people to specialty services, primary care, and wellness care,” he said.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF PUBLIC MEETING FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

NEW

Permit No. WQ0005417000

APPLICATION. Lepriño Foods Company, 1830 West 38th Avenue, Denver, Colorado 80211, which proposes to operate Lepriño Foods Lubbock Manufacturing Facility, a mozzarella cheese and nutrition (powdered dairy) products manufacturing facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000, to authorize the discharge of process wastewater, utility wastewater, and water treatment wastes at a daily average flow not to exceed 2,000,000 gallons per day via Outfall 001, and the disposal of high total dissolved solids (TDS) water (such as brine, reverse osmosis reject, and other wastewaters high in TDS) at an annual average flow not exceed 80,000 gallons per day via evaporation. The TCEQ received this application on September 30, 2022.

The wastewater facility will be located at 4502 East 4th Street, in the City of Lubbock, Lubbock County, Texas 79403. 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. For the exact location, refer to the application, <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=0b5bac44a1bc468bb49d360f81682501&marker=-101.7775%2C33.58027&level=12>

The effluent will be discharged to Canyon Lake #6, thence to the North Fork Double Mountain Fork Brazos River, thence to Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin. The unclassified receiving water uses are high aquatic life use for Canyon Lake #6 and North Fork Double Mountain Fork Brazos River. The designated uses for Segment No. 1241 are primary contact recreation and high aquatic life use.

In accordance with Title 30 Texas Administrative Code Section 307.5 and TCEQ’s *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Canyon Lake #6 or North Fork Double Mountain Fork Brazos River, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. 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. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/perm/itling/wastewater/plain-language-summaries-and-public-notice>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/perm/itling/wastewater/plain-language-summaries-and-public-notice>.

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The Public Meeting is to be held:

Tuesday, October 24, 2023 at 7:00 PM
American Windmill Museum
1701 Canyon Lake Drive
Lubbock, Texas 79403

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/appl/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar 1-800-687-4040. General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

The permit application, Executive Director’s preliminary decision, and draft permit are available for viewing and copying at TCEQ-Region 2, 5012 50th Street, Suite 100, Lubbock, Texas. Further information may also be obtained from Lepriño Foods Company at the address stated above or by calling Ms. Kim DeVigil, Director of Communications, at (303) 264-5336.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 299-3320 or 1-800-RELAY-TX (IDJ) at least five business days prior to the meeting.

Issued: September 11, 2023

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**MORNING
PEOPLE**

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The print Newspaper in Education program has been discontinued. Funds supporting the program are being redirected to the College Readership Program. If you have any questions, please contact 806-446-5999

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The Lubbock Avalanche-Journal, USPS# 271-560, is published 6 days per week excluding Saturday, Memorial Day, Independence Day, Labor Day, Thanksgiving (observed), Christmas Day (observed) and New Year’s Day (observed) by Gazette Media Corp., 710 Ave. J, Lubbock, TX 79401. Periodicals postage paid at Lubbock, TX and additional mailing offices. Postmaster: Please send address changes to Lubbock Avalanche-Journal, P.O. Box 491, Lubbock, TX 79408

AFFIDAVIT OF PUBLICATION
FOR WATER QUALITY APPLICATION PUBLIC MEETING

STATE OF TEXAS '

COUNTY OF Lubbock '

Before me, the undersigned authority, on this day personally appeared

Amalia Agüero, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the Publisher
(title of newspaper representative)

of the El Editor Newspaper; that said newspaper is
(name of newspaper)

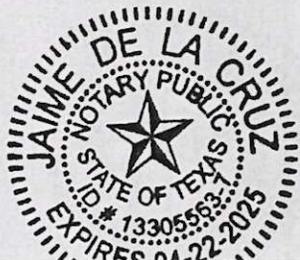
regularly published in Lubbock County, Texas, and is a newspaper that is regularly
published or generally circulated within Lubbock

_____ County/Countries;
and that the attached notice was published in said newspaper on the following date(s): September 21, 202

[Signature]
Newspaper Representative's Signature

Subscribed and sworn to before me this the 21ST day of September,
20 23, to certify which witness my hand and seal of office.

(Seal)



[Signature]
Notary Public in and for the State of Texas

Jaime De La Cruz
Print or Type Name of Notary Public

My Commission Expires 04.22.2025

De trabajador agrícola migrante a astronauta: una increíble historia real ahora es una película



Fueron cinco "ingredientes" claves que el padre de José M. Hernández consiguió con el para lograr una "receta" del éxito.

Hernández se convertiría en uno de los pocos astronautas latinos de la NASA, y su inspiradora historia es ahora el tema de "A Million Miles Away" de Prime Video, con el actor Michael Peña interpretando al ingeniero y ex astronauta.

Es probable que el público se sienta inspirado por el impulso inquebrantable y la determinación de Hernández para lograr su sueño, a pesar de haber solicitado y sido rechazado al programa espacial 11 veces antes de ser finalmente aceptado.

Desde muy joven, Hernández, junto con sus hermanos, ayudaba a sus padres inmigrantes trabajadores agrícolas. Salvador y Julia Hernández, a recoger productos agrícolas en los campos del Valle de San Jansqui en California.

Aunque muchas veces faltaba a la escuela y se mudaba por períodos de tiempo, Hernández estaba fascinado con las estrellas y el espacio y tenía un gran sueño en mente: convertirse en astronauta.

"La historia de José fue tan asombrosa, tan hermosa, tan honesta e ineludible que simplemente tenía que hacerse", le dice a TODAY.com la directora Alejandra Márquez Abella. "Tuve la experiencia de par delizarme con su historia. Si él pudo lograr todo esto, entonces yo puedo".

También resonó en Peña. "Mi mamá creció en muy lejos de donde filmamos en México", dijo el actor en las notas de producción sobre la historia de Hernández. "Ninguno de mis padres tuvo muchas oportunidades. Cada uno de ellos tenía dos trabajos de tiempo completo

para que pudáramos. Fue a buenas escuelas privadas, lo que cambió mi actitud sobre lo que era posible. Convertirse en actor no es lo mismo que ser astronauta, pero es un sueño casi demencial para cualquiera".

Continúe leyendo para obtener más información sobre su viaje de décadas desde los campos hasta más de 200 millas sobre la Tierra en la Estación Espacial Internacional.

Una historia real de alcanzar las estrellas' Si, la película está basada en la autobiografía de Hernández, "Reaching for the Stars: The Inspiring Story of a Migrant Farmworker Turned Astronaut", estrenada en 2012.

Después de rechazar ofertas para darle vida a su historia, Hernández quedó impresionado con los productores, los escritores (Bertina Glion, Héctor Jiménez y Márquez Abella) y la visión del director.

"Había escrito un par de libros y estaba dando charlas motivacionales", dijo Hernández en las notas de producción de la película. "Mi propósito es alentar a los niños de cualquier cultura o raza a alcanzar su máximo potencial. Mi lista de películas que este equipo ha producido y sé que estos muchachos eran cineastas serios que podrían ayudar a llevar mi mensaje a una audiencia más amplia".

Para Márquez Abella era importante que ella y Hernández vivieran una relación cercana, la cual cultivaron con el tiempo.

"Al ser mexicanos los dos, fue fácil formar una relación muy familiar desde el principio. Fui a su casa, visité a su familia, sus hijos, su esposa, sus padres", le dice a TODAY.com. "Fue muy agradable tenerlo, no sólo porque quería observar y explorar su vida

y su personaje, sino también porque quería tener a alguien que pudiera comprobar cada detalle técnico que necesitaba la película. Él siempre estuvo presente y fue una experiencia muy linda".

La visita de un maestro que cambió la vida. Nació en French Camp, California, los padres de Hernández eran originarios de Michoacán, México. Como se muestra en la película, y confirmado por Márquez Abella, la familia de Hernández seguía las cosechas estacionales. De niño trabajó en el campo con sus padres.

Hernández solo habló español hasta los 12 años y asistió esporádicamente a la escuela. La película muestra a su maestra de segundo grado, la señorita Young (Michelle Krusiec), visitando su casa y hablando con sus padres sobre la importancia de estar presente en un lugar para que sus hijos puedan tener una buena educación.

"Esa fue una historia real. Ella fue a su casa cuando él era niño y convenció a los padres de quedarse en Stockton y dejar de moverse por California y México", le dice Márquez Abella a TODAY.com. "Ese fue un momento muy (grande) en la vida de José que lo cambió todo".

"Por supuesto, tenemos que agregar algunas cosas aquí y allá para que la historia termine como queremos", dijo. "Pero sí, la historia es verdadera".

Márquez Abella señala que la visita de Miss Young a Hernández justo antes de que él se dirigiera al espacio fue "un brillo añadido".

Una vez que la familia se estableció y planeó raíces, Hernández se graduó de Franklin High School en Stockton y utilizó la "hoja de ruta" de su padre para hacer realidad su sueño.

"A Million Miles Away" se transmite en Prime Video.

COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS



AVISO DE REUNIÓN PÚBLICA PARA EL PERMISO TPDES PARA AGUAS RESIDUALES INDUSTRIALES

NUEVO

Permiso N.º WQ0005417000

APLICACIÓN. Leprino Foods Company, 1830 West 38th Avenue, Denver, Colorado 80211, que propone operar Leprino Foods Lubbock Manufacturing Facility, una instalación de fabricación de queso mozzarella y productos de nutrición (lácteos en polvo), ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) un nuevo permiso, el Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES, por sus siglas en inglés) Permiso N.º WQ0005417000, autorizar la descarga de aguas residuales de proceso, aguas residuales de servicios públicos y desechos de tratamiento de agua a un flujo promedio diario que no exceda los 2,000,000 galones por día a través del deságüe 001, y la eliminación de agua de sólidos disueltos totales (TDS, por sus siglas en inglés) (como salmuera, rechazo de ósmosis inversa y otras aguas residuales con alto contenido de TDS) a un flujo promedio anual que no exceda los 80,000 galones por día por evaporación. La TCEQ recibió esta solicitud el 30 de septiembre del 2022.

La instalación de aguas residuales estará ubicada en 4502 East 4th Street, en la ciudad de Lubbock, Condado de Lubbock, Texas 79403. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como cortesía pública y no forma parte de la solicitud o aviso. Para conocer la ubicación exacta, consulte la solicitud. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=d55b4c44ba468b4dd1360f8168250f5&marker=-101.7775%2C33.580277&level=12>

El efluente se descargará al lago Canyon #6, de allí al Río Brazos de North Fork Double Mountain Fork, de allí al Río Brazos de Double Mountain Fork en el segmento N.º 1241 de la Cuenca del Río Brazos. Los usos no clasificados del agua receptora son de alto uso de vida acuática para Canyon Lake # 6 y North Fork Double Mountain Fork Brazos River. Los usos designados para el Segmento N.º 1241 son la recreación de contacto primario y el alto uso de la vida acuática.

De acuerdo con el Título 30 del Código Administrativo de Texas, Sección 307.5 y los Procedimientos de la TCEQ para implementar los Estándares de Calidad del Agua Superficial de Texas (junio del 2010), se realizó una revisión antidegradación de las aguas receptoras. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán criterios numéricos y narrativos para proteger los usos existentes. Una revisión de Nivel 2 ha determinado preliminarmente que no se espera una degradación significativa de la calidad del agua en Canyon Lake # 6 o North Fork Double Mountain Fork Brazos River, que se ha identificado que tiene un alto uso de vida acuática. Los usos existentes se mantendrán y protegerán. La determinación preliminar puede ser reexaminada y puede ser modificada si se recibe nueva información.

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un proyecto de permiso. El bosquejo de permiso, si se aprueba, establecerá las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha adoptado una decisión preliminar de que este permiso, si se expide, cumple todos los requisitos legales y reglamentarios.

AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/main-language-summaries-and-public-notices>.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA. Se llevará a cabo una reunión pública que constará de dos partes, un Período de Discusión Informal y un Período Formal de Comentarios. Una reunión pública no es una audiencia de caso impugnado en virtud de la Ley de Procedimiento Administrativo. Durante el Período de Discusión Informal, se alientará al público a hacer preguntas al solicitante y al personal de la TCEQ sobre la solicitud de permiso. Los comentarios y preguntas presentados oralmente durante el Período de Discusión Informal no serán considerados antes de que se llegue a una decisión sobre la solicitud de permiso y no se dará una respuesta formal. Las respuestas se proporcionarán oralmente durante el Período de Discusión Informal. Durante el Período de Comentarios Formales sobre la solicitud de permiso, los miembros del público pueden declarar sus comentarios formales oralmente en el registro oficial. El Director Ejecutivo preparará una respuesta por escrito a todas las observaciones oportunas, pertinentes y materiales, o significativas. Todos los comentarios formales serán considerados antes de llegar a una decisión sobre la solicitud de permiso. Se enviará una copia de la respuesta por escrito a cada persona que presente un comentario formal o que haya solicitado estar en la lista de correo para esta solicitud de permiso y proporcione una dirección postal. Solo se pueden considerar las cuestiones relevantes y materiales planteadas durante el Período de Comentarios Formales si se concede una audiencia de caso impugnado sobre esta solicitud de permiso.

La Reunión Pública se convocará:

martes, 24 de octubre del 2023 a las 7:00 PM
American Windmill Museum
1701 Canyon Lake Drive
Lubbock, Texas 79403

INFORMACIÓN. Se alienta a los miembros del público a enviar comentarios por escrito en cualquier momento durante la reunión o por correo antes del cierre del período de comentarios públicos a Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente en www.tceq.texas.gov/photo/comment. Si necesita más información sobre la solicitud de permiso o el proceso de permisos, llame al Programa de Educación Pública de la TCEQ, al número gratuito, al 1-800-687-4040. Si desea información en español, puede llamar al 1-800-687-4040. Puede encontrar información general sobre la TCEQ en nuestro sitio web en <https://www.tceq.texas.gov>.

La solicitud de permiso, la decisión preliminar del Director Ejecutivo y el bosquejo del permiso están disponibles para ver y copiar en TCEQ-Region 2, 5012 50th Street, Suite 100, Lubbock, Texas. También se puede obtener más información de Leprino Foods Company en la dirección indicada anteriormente o llamando a la Sra. Kim DeVigil, Directora de Comunicaciones, al (303) 264-5336.

Las personas con discapacidades que necesiten acomodaciones especiales en la reunión deben llamar a la Oficina del Secretario Oficial al (512) 239-3300 o 1-800-RELAY-TX (TDD) al menos cinco días hábiles antes de la reunión.

Emitido: 11 de septiembre del 2023



DLC
DESIGNS

CONTACT JAIME DE LA CRUZ

TEL: 806-632-4837

EMAIL: jaimedesigns@gmail.com

WHAT WE DO:

Land Development, Commercial Construction, Construction Estimating, Residential Design, Commercial Design, Construction Documents, Consulting Services, Zoning and Code Assistance, Accessibility Design Services, ACAD Service, Permitting Assistance, 3D Rendering and Design

Attachment B

Leprino Foods Company

TPDES Permit No. WQ0005417000

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



Protecting Texas by
Reducing and
Preventing Pollution

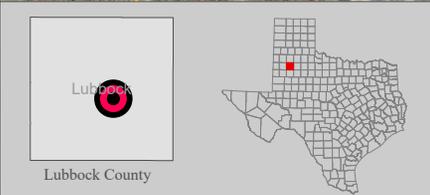
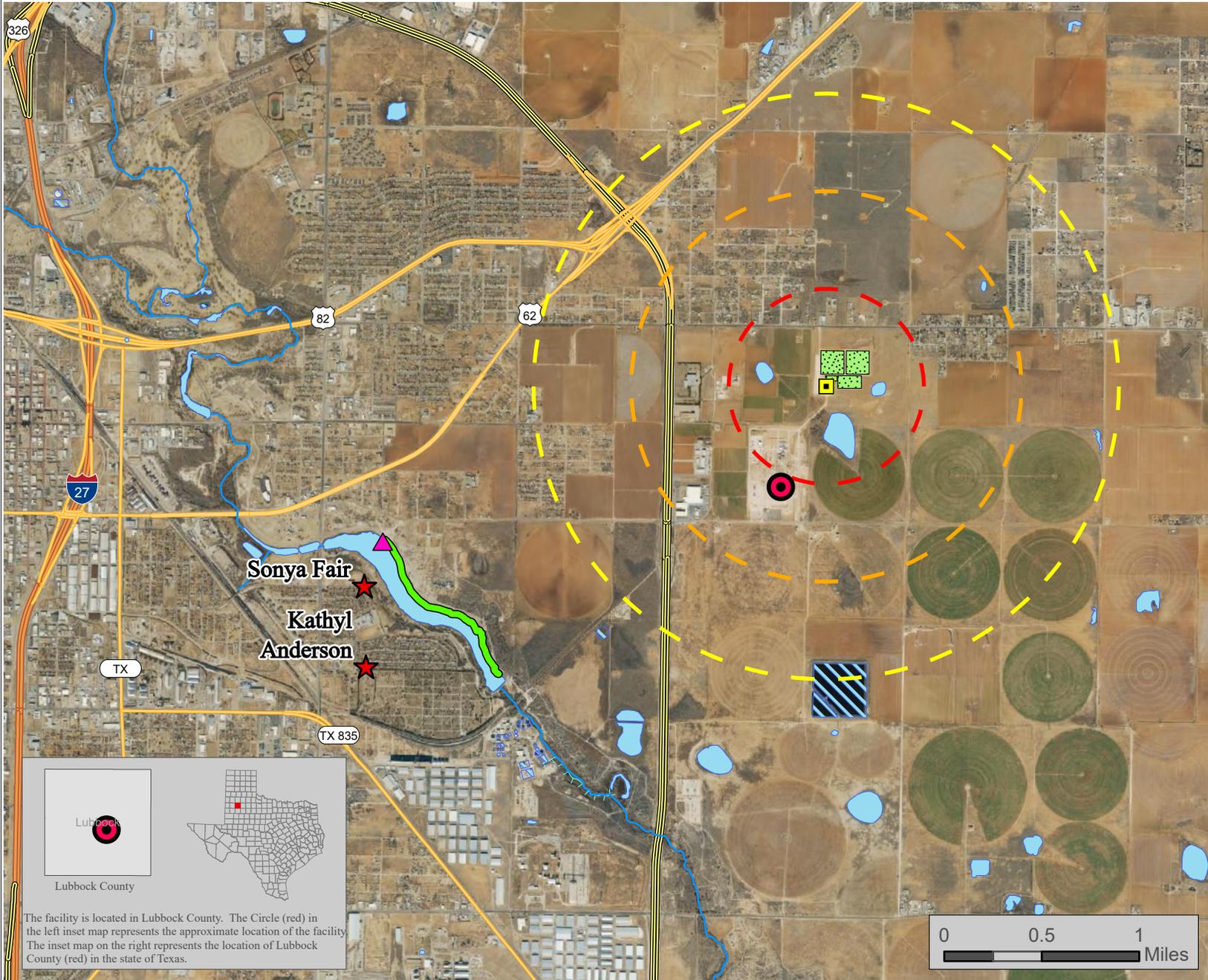
Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 7/25/2024
CRF 0107667_1
Cartographer: rkukushk

- Leprino Foods Company
- Requestors
- WWTP
- Treatment Ponds
- 0.5 miles from WWTP
- 1 mile from WWTP
- 1.5 miles from WWTP
- Outfall 001
- 1 mile downstream of outfall
- Lake/Pond
- Reservoir
- Canal/Ditch
- Stream/River
- Interstate
- Toll Road
- Highway

The effluent will be piped from the facility to the outfall.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



The facility is located in Lubbock County. The Circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Lubbock County (red) in the state of Texas.

