

10-24-23

I request a ~~contested~~ case
hearing and would like STOP
to represent me as a member

Name: Kathryn Anderson

Address: 3924 Ute

Phone 806-382-2233

I raise all concerns raised during the
public comment period.

RECEIVED

OCT 24 2023

AT PUBLIC MEETING

TCEQ Registration Form

October 24, 2023

Leprino Foods Company

Proposed TPDES Permit No. WQ0005417000

Kathy
PLEASE PRINT

Name: Kathy / Andrew

Mailing Address: 2914 W. 17th Ave

Physical Address (if different): _____

City/State: Lake TX Zip: 79401

****This information is subject to public disclosure under the Texas Public Information Act****

Email: _____

Phone Number: () _____

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Thursday, July 11, 2024 10:16 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005417000
Attachments: 2024-0710_ProtestantSTOPsRequestForReconsideration-ReplyToExDirRTC-CCHrequest_Final.pdf

RFR
H

From: hammondw@lanwt.org <hammondw@lanwt.org>
Sent: Wednesday, July 10, 2024 4:20 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005417000

REGULATED ENTY NAME LEPRINO FOODS LUBBOCK MFG FACILITY

RN NUMBER: RN111422333

PERMIT NUMBER: WQ0005417000

DOCKET NUMBER:

COUNTY: LUBBOCK

PRINCIPAL NAME: LEPRINO FOODS COMPANY

CN NUMBER: CN605980739

NAME: Wendi Hammond

EMAIL: hammondw@lanwt.org

COMPANY: Legal Aid of NorthWest Texas

ADDRESS: 400 S ZANG BLVD 1420
DALLAS TX 75208-6600

PHONE: 2142432583

FAX:

COMMENTS: July 10, 2024 Via eFile: www.tceq.texas.gov/agency/decisions/cc/comments.html Texas Commission on Environmental Quality Ms. Laurie Gharis, Chief Clerk Office of the Chief Clerk, MC-105 P.O. Box 13087 Austin, TX 78711-3087 RE: TPDES Permit No. WQ0005417000 Leprino Foods Company;

Request for Reconsideration, Reply to the Executive Director's Response to Comments, and Request for Contested Case Hearing of Protestant, Stop the Oppression of Our People (STOP) Dear Ms. Gharis: On behalf of its client, Stop the Oppression of Our People (S.T.O.P.), Legal Aid of NorthWest Texas ("LANWT") submits in the above named and numbered matter the following Request for Reconsideration and Reply to the Executive Director's Response to Comments, and reiterating once again, STOP's Request for Contested Case Hearing. All contact to STOP on this matter should be directed to its counsel at LANWT, listed below. Respectfully submitted, Mark Oualline, Staff Attorney Wendi Hammond, Staff Attorney Legal Aid of NorthWest Texas Legal Aid of NorthWest Texas 1001 Main St., Ste. 502 400 S. Zang Blvd., Ste. 1420 Lubbock, TX 79401 Dallas, TX 75208 Fax: (817) 736-1602 Fax: (817) 736-1602 phone: (806) 696-3600 Ext. 6050 phone: (469) 917-5970 Ext. 8903 email: ouallinem@lanwt.org email: hammondw@lanwt.org

400 S. Zang Blvd., Ste. 1420
Dallas, Texas 75208
469.458.9009



July 10, 2024

Via eFile: www.tceq.texas.gov/agency/decisions/cc/comments.html

Texas Commission on Environmental Quality

Ms. Laurie Gharis, Chief Clerk

Office of the Chief Clerk, MC-105

P.O. Box 13087

Austin, TX 78711-3087

RE: TPDES Permit No. WQ0005417000 Leprino Foods Company; Request for Reconsideration, Reply to the Executive Director's Response to Comments, and Request for Contested Case Hearing of Protestant, Stop the Oppression of Our People (STOP)

Dear Ms. Gharis:

On behalf of its client, Stop the Oppression of Our People (S.T.O.P.), Legal Aid of NorthWest Texas ("LANWT") submits in the above named and numbered matter the following Request for Reconsideration and Reply to the Executive Director's Response to Comments, and reiterating once again, STOP's Request for Contested Case Hearing.

All contact to STOP on this matter should be directed to its counsel at LANWT, listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "MK" or "Oualline", written over a horizontal line.

Mark Oualline, Staff Attorney
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1001 Main St., Ste. 502
Lubbock, TX 79401
Fax: (817) 736-1602
phone: (806) 696-3600 Ext. 6050
email: ouallinem@lanwt.org

A handwritten signature in black ink, appearing to be "Wendi Hammond", written in a cursive style.

Wendi Hammond, Staff Attorney
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TPDES PERMIT NO. WQ0005417000

APPLICATION BY	§	BEFORE THE
LEPRINO FOODS COMPANY	§	TEXAS COMMISSION ON
LUBBOCK, LUBBOCK COUNTY	§	ENVIRONMENTAL QUALITY

**REQUEST FOR RECONSIDERATION,
REPLY TO THE EXECUTIVE DIRECTOR'S RESPONSE TO COMMENTS, AND
REQUEST FOR A CONTESTED CASE HEARING OF
PROTESTANT, STOP THE OPPRESSION OF OUR PEOPLE (STOP)**

Through its counsel at Legal Aid of NorthWest Texas (LANWT), Stop the Oppression of Our People (STOP) requests that the Commission reconsider the Executive Director's decision to issue TCEQ Permit No. WQ0005417000 to Leprino Foods Company (Applicant). The reasons for this request are set forth below.

I. FACTUAL BACKGROUND

Leprino Foods Company ("Applicant") wastewater permits for a new facility for the manufacture of cheese located at 4301 East 19th, Lubbock, Texas 79403, with their wastewater facility being located at 4502 East 4th, Lubbock, Texas 79403. Through its legal counsel, STOP submitted timely public comments and requests for a Public Meeting and Contested Case Hearing on Applicant's application. Over 156 requests for a public meeting were submitted to TCEQ; and therefore, in the face of significant public interest, the public comment period remained open until the end of the public meeting held on October 24, 2023. During the public comment period, STOP timely filed several public comments and a request for a contested case hearing, including a public comments submitted during the formal portion of the public meeting.

On June 10, 2024, the Executive Director issued its response to comments and decision that Applicant's permit application meets the requirements of applicable law, and that the draft permit should be issued without any changes.

STOP is timely submitting this filing because it is properly filed on July 10, 2024.

II. ARGUMENT

The Executive Director's decision must be reconsidered for the following reasons:

A. The Executive Director failed to properly respond to public comments

Title 30 Texas Administrative Code § 55.156 requires the Executive Director to respond to all material issues raised in public comment. The Executive Director, through legal counsel Kathy Humphreys, failed to comply with § 55.156.

i. The Executive Director failed to respond to all of the timely, relevant and material, and significant public comments submitted on behalf of STOP.

TCEQ informed the public that the public comment period remained open until the close of the public meeting held on October 24, 2023. During the formal portion of that public meeting, STOP's legal counsel timely submitted supplemental public comments, including a SD card containing the audio file of the informal discussion period of the public meeting. At that time, STOP's legal counsel stated on the record that STOP is incorporating by reference into STOP's formal public comments all of the recorded informal public comments and questions not supporting the issuance of Applicant's permit application along with all of TCEQ's and Applicant's responses to those informal public comments and questions.

However, after a review of the Executive Director's Response to Comments (RTC), it appears that the Executive Director refused to provide any response to these supplemental comments stating in footnote 1 that "the Executive Director only responds to comments made during the formal potion [sic] of the period in the Response to Comments."

Therefore, the Executive Director arbitrarily and capriciously failed to comply with federal and state laws and regulations requiring that the Executive Director respond to all timely, relevant and material, and significant public comments, which includes STOP's supplemental comments timely and efficiently submitted in a digital format to contemporaneously preserve

any additional relevant and material issues raised during the last hour(s) of the public meeting and public comment period.

- ii. The Executive Director (ED) failed to respond to the issue of TCEQ's failure to develop a Total Maximum Daily Load for the waterbodies that may be impacted by Leprino's discharge (See, e.g., RTC 2-3)

The ED's response is a mere conclusory statement that "the Executive Director's review of the application complied with all applicable state and federal requirements" without addressing the underlying problem that TCEQ has failed to develop a Total Maximum Daily Load for the waterbodies that may be impacted by Leprino's discharge. Thus, TCEQ continues to undermine the public's ability to provide complete and meaningful public comments in review and response to Applicant's permit application.

Moreover, the ED's reliance on EPA's lack of comments does not in and of itself support the ED's conclusion because Congress wrote the Clean Water Act to specifically place certain duties on federal and state agencies while also providing for a meaningful public participation role because Congress understood that both federal nor state agencies can make mistakes and fail to uphold its statutory and regulatory duties.

- iii. The Executive Director (ED) failed to respond to issue of environmental justice in the area surrounding the proposed facility (See e.g., RTC 5)

The ED's response states that the ED "does not have authority to consider the neighborhood of a proposed wastewater treatment facility in the evaluation of an application for a TPDES permit."¹ However, federal Executive Order 12898 requires any governmental agency in receipt of federal funding to evaluate its actions for disproportionately high and adverse effects on minority or low-income populations and to find ways to avoid or minimize these adverse impacts where possible. As a recipient of federal funding, Executive Order 12898

¹ See, ED's RTC 5.

requires TCEQ to evaluate the application for disproportionately high and adverse effects on the area surrounding the proposed facility, given the well-known adverse effects of particulate pollution on human health and the proposed facility's location in a low-income, minority community.

The Executive Director failed to respond to the environmental justice concerns raised in STOP's public comments because merely stating that TCEQ does not comply with Executive Order 12898 does not assuage the Executive Director's responsibility to respond to public comment on the issue. For these reasons, the Executive Director's Response to Comment did not comply with 30 TAC § 55.156 and must be reconsidered and the permit denied.

iv. The Executive Director (ED) failed to respond to issue of odors (See e.g., RTC 8)

The ED's response states that "[t]ypically, industrial wastewater discharges do not have significant odors." However, the ED's response completely fails to take into account the numerous public comments that nuisance odors already exist in the area, and that Applicant is proposing to introduce even more nuisance odor producing pollutants into the area—including Applicant's waste ponds and its discharge point(s).

B. Commissioners Should Grant a Contested Case Hearing

Although the Executive Director failed to address this issue within its Response to Comment, STOP's public comments included a request for a contested case hearing. STOP again reasserts its request for a contested case hearing, and the Commission should grant the request.

STOP's previously filed request(s) included the following relevant and material disputed issues that should be referred to the State Office of Administrative Hearings for a contested case hearing:

- Whether the public notice fails to comply with applicable federal and state laws, rules and regulations.

- Whether the application or proposed permit would violate the provisions of any state or federal law, rule or regulation.
- Whether the application or draft permit fails to require the use of all reasonable methods to implement and prevent interference with the purpose of Chapter 5 and 26 of the Texas Water Code.
- Whether the application or draft permit fails to maintain the quality of water in the state consistent with public health and enjoyment.
- Whether the application or draft permit fails to maintain the propagation and protection of terrestrial and aquatic life.
- Whether the application or draft permit fails to maintain the quality of water in the state consistent with the operation of existing industries, including but not limited to, protecting the public from cumulative risks in an area of concentrated operations.
- Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state laws, rules, regulations and policies.
- Whether Applicant has commenced construction of a treatment facility prior to the issuance of a permit authorizing discharge of waste from Applicant's facility.
- Whether the application or draft permit fails to properly consider the Applicant's and its operator's compliance history.
- Whether the application or draft permit fails to properly consider the need for this proposed permit.
- Whether any former TCEQ employees participated personally and substantially as a TCEQ employee in the commission's review, evaluation, or processing of the application before leaving TCEQ employment, and after leaving TCEQ employment, the former TCEQ employee then provided assistance with the application for its issuance.
- Whether the application or draft permit fails to properly specify the maximum quantity of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations and policies.
- Whether the application or draft permit fails to properly specify the character and quality of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations and policies.

- Whether the application, draft permit or Executive Director fails to consider any unpleasant odor quality of the effluent and possible adverse effects that it might have on the receiving body of water and related recreational value, including the recreational value of the surrounding area.
- Whether the application or draft permit fails to establish all monitoring, sampling, record-keeping and reporting requirements necessary to determine compliance with all applicable federal and state laws, rules, regulations and policies.
- Whether TCEQ failed to properly use an approved water quality management plan (or a plan in progress but not completed or approved) when reviewing Applicant's application and issuing the draft permit.
- Whether the application or draft permit fails to prevent a discharge of waste that is injurious to public health.
- Whether the application is inadequate, incomplete, inaccurate and/or fails to include all necessary and required information.

Examples of the deficiencies and problems with Applicant's proposed TPDES permit for industrial wastewater were provided in all of STOP's public comments. These public comment examples are in addition to, and in no way should be construed to limit in any way the above identified relevant and material disputed issues to be addressed at a contested case hearing.

STOP has demonstrated that it should be granted a contested case hearing because the interests the organization seeks to protect are germane to the organization's purpose. As previously stated, STOP is a small nonprofit membership organization that advocates for the health and safety of the community by educating and addressing environmental concerns stemming from polluting industries that are concentrated in East Lubbock.

Applicant's effluent will be discharged to Canyon Lake #6 (which is located in East Lubbock), 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.

Therefore, STOP's members may be adversely affected by the Applicant's proposed TPDES permit in a way not common to the general public because members of STOP live near and recreate on Lake Six. STOP members are concerned about the impact Leprino's wastewater will have on the lake and their surrounding community. They do not feel the application has sufficiently addressed the impact new pollutants upwards of 2.0 million gallons a day will have on the safety and quality of the water.

Furthermore, neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case; and one or more member(s) would otherwise have standing to request a hearing in their own right. For example, Ms. Sonya Fair, treasurer of STOP, opposes the above permit application for the effects it will have on Lake Six. Ms. Fair resides at 1821 Manhattan Drive, Lubbock, Texas 79404; her backyard overlooks the lake, with her property line approximately 300 ft. from the water and less than ¼ mile from the outfall pipe that will continuously carry wastewater from Leprino to the lake. She is concerned that the wastewater discharge will interfere with her use and enjoyment of her property, will harm wildlife in and around the lake, and will severely impact the use and enjoyment of the lake as a beloved recreation area for the community.

Ultimately, the Commission should deny Applicant's application and draft permit.

III. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, STOP respectfully requests that the Commission grant this Request for Reconsideration, deny the Executive Director's preliminary decision to issue Permit

No. WQ0005417000 without any changes to the draft permit; and grant STOP's request for a contested case hearing.

Respectfully submitted,



Mark Oualline, Staff Attorney
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Dallas, TX 75208
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phone: (469) 917-5970 Ext. 8903
email: hammondw@lanwt.org

CERTIFICATE OF SERVICE

I certify that on July 10, 2024 the "Request for Reconsideration, Reply to the Executive Director's Response to Comments and Request for a Contested Case Hearing of Protestant, Stop the Oppression of Our People (STOP)" for Permit No. WQ0005417000 was filed with the following:

Via electronically as instructed: www.tceq.texas.gov/agency/decisions/cc/comments.html
Texas Commission on Environmental Quality's Office of the Chief Clerk

Via email & mail:

TCEQ Executive Director
Kathy Humphreys, Staff Attorney
Environmental Law Division MC-173
P.O. Box 13087
Austin, TX 78711-3087
Email address:
kathy.humphreys@tceq.texas.gov

Via email & mail:

Applicant, Leprino Foods Company
Erik Nielsen, Associate General Counsel
1830 W 38th
Denver, CO 80211
Email Address: enielsen@leprinofoods.com

Via email & mail:

TCEQ Public Interest Counsel
Garret T. Arthur, Attorney
P.O. Box 13087
Austin, TX 78711-3087
Email address:
garrett.arthur@tceq.texas.gov



Wendi Hammond

5

TCEQ Registration Form

October 24, 2023

Leprino Foods Company

Proposed TPDES Permit No. WQ0005417000

PLEASE PRINT

Name: Wendi Hammond

Mailing Address: 400 S. Zang Blvd, Ste 1420 Dallas TX 75208

Physical Address (if different): (same)

City/State: Dallas TX Zip: 75208

****This information is subject to public disclosure under the Texas Public Information Act****

Email: hammondw@lanet.org

Phone Number: (9469) 917-5970 ext. 8903

• Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? S.T.O.P.

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.



Legal Aid of NorthWest Texas

COMMUNITY REVITALIZATION PROJECT
1001 Main Street, Ste. 502, Lubbock, Texas 79401
806-763-4557

CRP offices in Amarillo, Dallas, Fort Worth, and Lubbock

October 24, 2023

Via Electronic submission: www14.tceq.texas.gov/epic/eComment/

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

RECEIVED

OCT 24 2023

AT PUBLIC MEETING

pm
H

Re: Supplemental Public Comments, Request for Public Meeting and Request for a Contested Case Hearing on Application for Water Quality Permit and for TDPES Permit for Industrial Wastewater for Leprino Foods Company, Permit WQ0005417000

Dear Ms. Gharis:

On behalf of our client, S.T.O.P – Stop the Oppression of Our People (STOP), Legal Aid of NorthWest Texas (LANWT) submits this supplement in the above named and numbered matter the following:

- request for a public meeting,
- request for a contested case hearing, and
- public comments.

STOP opposes the application of Leprino Foods Company (Leprino or Applicant) for the issuance of a Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000. The Commission should deny Applicant's permit application for the reasons set forth below.

All contact with STOP and its members regarding this matter should be through its legal counsel:

Mark Oualline, Staff Attorney
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I. Supplemental Public Comments

This section expands upon the previously submitted request for a public meeting and contested case hearing including the list of relevant and material disputed issues for a public meeting, contested case hearing, and public comments.

For clarity, STOP's public comments include and incorporate by reference all current and previously submitted relevant and material disputed issues for a contested case hearing. Moreover, the examples being provided within the public comments sections are often applicable to several of the separately listed "relevant and material disputed issues for a contested case hearing," and therefore, unable to be attributed to a single identified and bulleted "relevant and material disputed issue."

As such, the previous "public comments" and current "supplemental public comments" sections are in addition to, and in no way should be construed to limit in any way, the separately identified bulleted issues provided within the "relevant and material disputed issues for a contested case hearing" section(s). Rather all bulleted issues should be addressed at a public meeting, in the Executive Director's Response to Comments, and referred for a contested case hearing.

Additional examples of problems/questions/concerns include, but are not limited to:

- See all questions from S.T.O.P. listed in Attachment 1, and additional questions/concerns/suggestions provided below:
 - The modeling is based on 2.0 MGD (daily averaged), but daily maximum in the draft permit is 2.5 MGD. Therefore, the modeling should be based on 2.5 MGD instead.
 - The draft permit should require more than only "report" for daily maximum 1 every two weeks regarding the oil & grease that can be discharged.
 - The oil & grease monitoring/reporting should not expire 58 months after the permit issuance.
 - How will the potential odors or other pollutants (including any dust) from the noncompliant lagoon be mitigated?
 - What is the most recent water testing of Canyon Lake Number 6?
 - When was the last TCEQ investigation of odor complaints about Canyon Lake Number 6?
 - The 1998 study used to determine the endangered/threatened species is outdated and EPA should review this.
 - Explain the "best professional judgement" used for the daily effluent limits for oil & grease. The draft permit should include daily effluent limits for oil & grease (average and maximum).
 - Does the Applicant have other facilities that conduct similar processes? If so, where?

- Does the Applicant currently or in the past have permitting requirements for mass loading limits for oil and grease at any of its current or past facilities?
 - What type of oil and grease is being reported? What is the source of these pollutants?
 - TCEQ's interpretation of EPA's lack of developing effluent limits for oil & grease in Part 405 fails to protect public health, safety and the environment.
 - What exactly is considered "average rainfall conditions"? What time period is this average rainfall including? There is a concern about the impacts of drastic weather changes due to climate change.
 - Why are all facilities classified as minor until formally classified as major by EPA? How does the public or TCEQ get EPA to formally classify this application as major?
 - What is the action plan to prevent odors or other pollutants (including dust) escaping from the waste ponds?
 - TCEQ needs to review all calculations of this application in conjunction with Applicant's existing air permit to be sure all data correlates.
- As extra examples of environmental discrimination affecting the impacted area and community that TCEQ should consider and evaluate see Attachment 2: July 14, 2023, Compliant under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, Regarding Civil Rights Violations by the City of Lubbock for Concentrating Industrial Zoning in Majority Black and Hispanic Neighbors.
 - As extra examples of environmental discrimination affecting the impacted area and community that TCEQ should consider and evaluate see Attachment 3: EJ Screen Community Report.
 - This supplement includes and incorporates by reference all informal public meeting comments, questions and concerns raised that are **NOT** in favor of the issuance of Applicant's application and draft permit as included in Attachment 4 envelope containing an SD card with the recording of the informal portion of the public meeting. Therefore, the Executive Director needs to review these public comments and any responses provided by the Applicant or TCEQ staff for accuracy. JAH

Conclusion

In light of these issues, STOP again requests a contested case hearing on the application for **Permit WQ0005417000**. Moreover, STOP urges TCEQ to deny the application based on the information already available.

Respectfully submitted,

/s/

Mark Oualline

Counsel for S.T.O.P – Stop the Oppression of Our People (STOP)


Wendi Hammond

STOP Attachment 1: Supplemental Questions from STOP for Leprino Foods

- 1) What's your definition of environmental improvement for your company?
- 2) What do you do to protect the environment?
- 3) What do you do to enhance or improve the surrounding neighborhood?
- 4) Is there any foreseen damage to the environment, i.e..... Fishes, plants, wildlife, humans, and other biodiversity?
- 5) Do you guys see that the Eastside of Lubbock wants to protect the environment?
- 6) Why did you choose not to communicate with the East Lubbock residents or community associations that could have informed the neighborhood?
- 7) What type of pollution, such as noise, air, land, and people the neighborhood will be exposed to?
- 8) Will East Lubbock have to deal with those pollutions on a daily schedule?
- 9) Could any breathable smoke from your factory be known to cause health issues in our children, adults, and seniors?
- 10) What health conditions should the population of East Lubbock be aware of?
- 11) Can we have a full disclosure report regarding your waste products?
- 12) Why did you select East Lubbock for your location without notifying the surrounding neighborhoods?
- 13) Are you aware that the City promised that no more factories within our neighborhood?
- 14) What do you have tangible to offer to the East Lubbock neighborhood?
- 15) How will you improve the neighborhood now that you are here?
- 16) What proof do you have to validate your concerns about the environment and our area?
- 17) Could we have a report of the solvents and agents used during your process for our records and reviews?
- 18) Will neighborhoods be warned about water breakdown by the factory that is being dumped into the Historic Lake?
- 19) How often will you be testing the water?
- 20) What sites will you be testing along the Historic Lake?
- 21) Will we get a report?
- 22) What other outside agents are testing your waste products?
- 23) Will you name the outside sources that will be monitoring daily your waste products that are not the City of Lubbock?
- 24) When it comes to monitoring air quality will we get TCEQ air monitors capable of rendering near real-time measurements for volatile organic compounds and particulate matter smaller than 10 microns and 2.5 microns in North and East Lubbock near pollution sources, as well as, water testing.
- 25) Will we have a contact name within your company that will be a liaison between your company and us on a monthly or quarterly basis?

STOP Attachment 1: Supplemental Questions from STOP for Leprino Foods

- 26) What are your future goals that you have for the surrounding areas?
- 27) What are your statistics to show racial equality?
- 28) How can that be monitored?
- 29) Are you willing to improve the racial equality rating that will reflect good faith toward the East neighborhood where you are located?
- 30) What is your carbon footprint?
- a. This is the question most executives and other stakeholders are asking. Don't be surprised if this question is accompanied by another more academic one, namely "What exactly is a carbon footprint anyway?"
 - b. What is your fossil-fuel combustion in manufacturing, heating, and transportation, as well as emissions required to produce the electricity associated with goods and services consumed? In addition, the carbon footprint concept also often includes the emissions of other greenhouse gases, such as methane, nitrous oxide, or chlorofluorocarbons (CFCs).
 - i. Industries have to adapt as regulations tighten around the globe to control business's carbon footprints. Any business, no matter how small, can start minimizing its carbon footprint. Not only does this help the environment, but it also saves money through lower energy costs.
- 31) Can anyone buy into your stock?
- 32) Are you using some form of green energy techniques for your products and services to protect the surrounding environment?
- a. This question tends to follow very quickly from the first since products and services are the bread and butter of any company. The likely consequence will focus on how a company can determine if its products are green. Issues that will need further unpacking, and may help you develop your answer include:
- 33) What are your sustainable development goals (SDG)?
- 34) Do you consider your products are following the green process?
- 35) What impact do your SDG will have on the surrounding neighborhood?
- 36) Could you briefly explain to us the cheese production process?
- 37) What are the other waste products being created after the process?
- 38) How are they handled?
- 39) How and where are they being transported from your site?
- 40) What other undisclosed substrates will be developed during your process and are any harmful to the environment?
- 41) Do you have evacuation plans for the surrounding area in case of a spillage?
- 42) Will you share it with the Eastside Lubbock organizations?
- 43) Have you developed more efficacy in the reduction of hazardous waste materials?
- 44) How much energy will your factory produce or use during operation,

STOP Attachment 1: Supplemental Questions from STOP for Leprino Foods

- a. What water and resources does the business currently use?
 - b. Your permit says 1.5 million water and yet you'll build a structure that will handle 2 million of water, Why?
 - c. Are you expecting more production and not informing the neighborhood and TECQ of any excess?
- 45) How will your energy operation benefit our neighborhood?
- 46) How can you improve water resource use and efficiency for the City of Lubbock?
- 47) What type of process are you using to purify the Historic Lake water before you return it?
- a. Reverse Osmosis Type
 - b. Filtration type
 - c. Titration type
- 48) Will any of the production benefit East Lubbock?
- 49) Do you know if our utilities increase once you are operational?
- 50) What efforts have you considered for the improvement of East Lubbock?
- 51) How will you manage your waste products?
- 52) Are there any poisonous materials that the communities need to be aware of and will need to know if any spillage?
- 53) Will there be any training for the communities during an emergency?
- 54) What is your impact on the local community in and surrounding East Lubbock?
- 55) Have you done any study regarding East Lubbock and its people to prove why you chose this area?
- 56) What are your key sustainability measures?
- a. "What gets measured, gets managed" is a good place to start
- 57) What are the supportable development goals?
- 58) How educated and engaged will your employees be with the communities near this factory?
- a. Local
 - i. Equal Employment Opportunities or hiring practices: Trusted liaisons from East Lubbock that work with your HR and us.
 - ii. Communities' enrichments: Back to School events, School involvements, job fairs for graduating students in East Lubbock, application fill-out training
 - iii. Training
 - 1. Internship programs for our Estacado High School students
 - iv. Employment advancements for African-Americans from entry levels to managerial (Janitor to Administration)?
 - 1. Communities' education programs to keep them informed about your actions.
 - v. Second-chance employment for those returning to society from correctional detention?
 - vi. Will you bring most of your people to your factory from outside sources, such as other factories

STOP Attachment 1: Supplemental Questions from STOP for Leprino Foods

- b. Nearby neighborhoods enrichments, communities' improvements, and economic improvements
 - i. East Lubbock
 - 1. Parkway District
 - 2. Dunbar and Manhattan Heights District
 - ii. Estacado High School
 - iii. North East Lubbock - Guadalupe
 - c. School tours for future employees
- 59) How do you set goals for improvement and make yourselves more efficient? This simple question has many implications and also requires a lot of data collection, analysis, and planning. Aspects to consider are: Can you furnish written documents to prove your point of view?
- What levels can you achieve while growing your business that will help East Lubbock?
 - What will the project cost taxpayers?
 - How quickly can you achieve the goals or do you have future progress? a) Expansion
 - How will others perceive or tell that you have your goals in conjunction with the surrounding areas?
- 60) What product(s) are you using to convert materials into cheese?
- a. How is it managed?
 - b. How often is it monitored?
 - c. Who monitors your wastewater and by-products?
 - d. What outside agents are used to monitor your wastewater and solvents?
 - e. Any animals are being used to produce the cheese?
- 61) Since you are giving back to the City of Lubbock, what about the surrounding areas what do they get besides noise, smell, and wastewater?
- 62) What are some good sustainability standards that we need to know about what your factory offers us?
- 63) What financial improvements will your factory bring to the surrounding neighborhood like East Lubbock? Jobs! Other Businesses
- 64) What is the education level required to be hired by you?
- 65) What is an example of a job for someone who graduated from high school?
- 66) Do you have any internship for a local high school, namely, Estacado?
- 67) Do you have donations projects and programs available for East Lubbock organizations (nationally known like 100 Black Men's, NAACP, and those that are local like S.T.O.P.) that can be used to develop communities?
- 68) Do you have any employment for those who were incarcerated to help them with a second chance?
- 69) Do you have a retention policy?
- 70) Will you have a daycare for the children of working mothers?

STOP Attachment 1: Supplemental Questions from STOP for Leprino Foods

- 71) Will you remain in contact with my organization monthly regarding your MSDS, dumping amounts, waste handling, hiring statistics, and EEO reports?
- 72) Do you have an established environment, social, and governance platforms for East Lubbock's residents? Example: steps in their company to become greener, more ethical, and better governed.
- 73) Will you be willing to practice a greener, more ethical, better governed, and social justice than the other factories that thrust into our neighborhood without well-informed and caring proclaimed leaders and politicians that speak for an entire neighborhood without discussing it with our East and North Lubbock residents?
- 74) We want environmental protection, environmental justice, social equity, economic challenges, and a chance for our community development like other so-called 'good neighborhoods'.
- 75) We know that you cannot completely give us some things that the City should have never taken away from us but you can be a start and an example to show that we ALL CAN GET ALONE, IF AND ONLY IF WE WANT TO.
- 76) What are your viewpoints that are the closest to your beliefs and social standards for an underprivileged neighborhood that could benefit from a well-established company like yourself?
- 77) Can you give us equality or will you also practice 'Jim Crow's Law' on an already oppressed community like East Lubbock?
- 78) Are you willing to slow down or stop the oppression in East Lubbock and work with us as a good neighbor?

Examples of such community outreach efforts include the Site-Specific Community Advisory Boards, where stakeholders can actively participate in DOE-EM cleanup decisions, and the National Environmental Justice Conference and Training Program, where stakeholders annually gather to exchange ideas and approaches to achieve environmental justice. Office of Legacy Management, 1000 Independence Avenue, SW, Washington, DC 20585: Phone: 202-586-7550 Fax: 202-586-840

Office of US Department of Energy
Office of Environment, Health, Safety & Security
Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585

Sustainability has become a really important tool in the battle against climate change and other social, environmental, and economic challenges. The word sustainability comes from 'to sustain', which essentially means

to provide support and prolong or preserve something. What we hope to preserve and support is life on planet Earth. Thinking about this definition, we can view sustainability as an approach to life that causes the least possible harm to the natural world or living organisms.

Why is sustainability important?

The main goal of sustainability is to protect the planet so that future generations don't have to suffer. Ultimately, we only have finite resources on this planet, but we're currently not being considerate of that. Our actions now shouldn't be at the expense of our fellow creatures or humans, so it's important to be aware of sustainability in our daily lives so we don't cause more irreparable damage to the Earth and all living things - humans included.

1. Office of Legacy Management
2. DOE Environmental Justice Strategy Updates/Revisions

The 2017 DOE EJ Strategy demonstrates a Department-wide commitment to address EJ, consistent with the DOE mission. Three strategic goals provide the framework for achieving the DOE vision for EJ. Implementation of this EJ Strategy is dependent on the strong foundation provided by the DOE Strategic Plan, and its major goals for science and energy, nuclear security, and management and performance.

DOE is responsible for risk reduction and cleanup of the environmental legacy of the nation's nuclear weapons program, one of the largest, most diverse, and technically complex environmental programs in the world. The Department will successfully achieve this strategic goal by ensuring the safety of DOE employees and the public, acquiring the appropriate resources to complete complex tasks, and managing projects throughout the United States most efficiently and effectively.

The Department's EJ Strategy reflects a commitment to advancing the quality of life for communities near DOE facilities. It formulates goals based on clear priorities and tangible benefits that consider programmatic, legislative, and regulatory responsibilities. It emphasizes community participation, stakeholder involvement, and community empowerment. It refocuses research to reflect the recognition of various health issues in minority populations and low-income populations, American Indian Tribes, and Alaska Natives. It encourages new approaches to occupational- and environmental-science research for high-risk populations and workers, embraces interagency coordination to facilitate EJ, and heightens the sensitivity of our managers and staff to EJ within DOE.

DOE issued its third Environmental Justice Strategy, which demonstrates the Department's commitment to comply with EO 12898 in 2017. The DOE EJ Program has performed a data call and received responses from the DOE Program and Field Offices on their EJ commitments. The DOE EJ Program has prepared the Second Environmental Justice Five-Year Implementation Plan. Several DOE program offices identified and committed to developing and implementing up to five EJ commitments over the five years of the plan. Their progress to achieve these goals is compiled on an annual basis and released as the *DOE Environmental Justice Five-Year Implementation Plan*.

STOP Attachment 1: Supplemental Questions from STOP for Leprino Foods

The 2017 EJ Strategy provides a roadmap for our goals and objectives, highlights our major priorities for the next five years, and will be reflected in individual program plans.

The EJ Strategy contains the following goals:

- **Goal 1:** Fully Implement Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*
- **Goal 2:** Integrate Environmental Justice into the National Environmental Policy Act (NEPA) Process
- **Goal 3:** Comply with Title VI of the Civil Rights Act of 1964

DOE's EJ Strategy provides an overarching vision that is reflected in our EJ goals. We have identified key priorities that will increase capacity building, public participation, and opportunities for minority populations and low-income populations, American Indian Tribes, and Alaska Natives, as well as identify the best ways to achieve results. DOE is committed to addressing the complexity of EJ in a timely, deliberate, and coordinated manner.

The DOE EJ Program will continue monitoring Departmental activities to determine whether they present a disproportionately high and adverse human health or environmental effect on minority populations and low-income populations, American Indian Tribes, and Alaska Natives.

Office of Legacy Management
1000 Independence Avenue, SW
Washington, DC 20585
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Attachment 2

STOP Attachment 2: Complaint of North and East Lubbock Coalition



Legal Aid of North West Texas

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With CRP offices in Amarillo, Dallas, Fort Worth, and Lubbock

July 14, 2023

Sent by email and by CMRRR

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Re: Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, Regarding Civil Rights Violations by the City of Lubbock for Concentrating Industrial Zoning in Majority Black and Hispanic Neighborhoods

Dear Regional Director Lewis, Acting Chief Burton, and Deputy Chief Neal:

A city's most fundamental duty is to protect the health, safety, and welfare of its residents. Along with providing emergency services, clean water, and sewer services, a city protects its residents by using its zoning power to separate harmful, nuisance-causing land uses from the neighborhoods that people call home. Our client, the North and East Lubbock Coalition ("NELC"), submits this complaint because the City of Lubbock ("the

Bringing justice to North and West Texans since 1951

LSC America's Partner
for Equal Justice
LEGAL SERVICES CORPORATION

City”) has willfully failed to provide fair and equal zoning protection to Black and Hispanic citizens living in East and North Lubbock neighborhoods and instead surrounded those neighborhoods with industrial zoning.

Beginning with a 1923 racial segregation ordinance that forced Lubbock’s Black citizens to live in the already industrial southeast corner of Lubbock,¹ the City has continually used its zoning power to concentrate industrial zoning and high-risk, polluting industrial facilities in and around neighborhoods of color while protecting majority White, non-Hispanic (“White”) neighborhoods from the same harmful zoning and land uses.

A little more than 100 years after the 1923 Ordinance, the City took new action to renew these racist zoning practices for future generations. On May 9, 2023, Lubbock City Council passed, with five votes in favor and two votes in opposition, the City’s new zoning code known as the Unified Development Code² (“UDC”) and a new Zoning Map.³ Under the UDC’s new Zoning Map, **57% of Lubbock’s Black residents** and **38% of Lubbock’s Hispanic residents** live within 1 mile of General Industrial zoning (previously known as M-2 zoning).⁴ In contrast, only **17% of Lubbock’s White residents** live within the same proximity to General Industrial zoning. Figure 1 on the next page shows the discriminatory distribution of industrial zoning under the UDC.

By forcing high-intensity industrial uses into North and East Lubbock neighborhoods, the City subjects residents of color to greater health risks from pollution,⁵ stunted residential and commercial development,⁶

¹ Robert Foster, *Black Lubbock: A History of Negroes in Lubbock, Texas, to 1940*, Pages 47-50, 110 (Dec. 1974) (unpublished M.A. thesis, Texas Tech University) (quoting from Lubbock, Tex., Ordinance 225-1923 (April 1, 1923), originally penciled as Ordinance 223). <https://ttu-ir.tdl.org/bitstream/handle/2346/23878/31297000606956.pdf?sequence>. According to Foster, there is some question whether the segregation ordinance was officially enacted. However, the text of the 1923 ordinance is located in the City’s records and is signed by the Mayor and City Secretary. An unsigned copy is available on the City of Lubbock website here: <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=849574&dbid=5&repo=Lubbock>. The rough draft of the ordinance also contains the dates it was published in the newspaper, but these newspapers have been lost. Whether or not the ordinance was officially enacted, it had the desired effect. Black Lubbockites were restricted to living within the bounds of the ordinance and faced legal and social pressures to stay there. Foster writes that the Klu Klux Klan was active in Lubbock at the time and even mounted an armed raid in Lubbock’s Black neighborhood around the time the ordinance was passed. Foster at 62. The City Council repealed the 1923 Ordinance in 2006. See: Lubbock, Tex. Ordinance 2006-O0053.

² Lubbock, Tex., Ordinance 2023-O0054 (May 9, 2023) <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=2329037&dbid=5&repo=Lubbock>. See also: Unified Development Code, LUBBOCK, TEX., CODE OF ORDINANCES ch. 39 (May 9, 2023), <https://online.encodeplus.com/regs/lubbock-tx/index.aspx> (the UDC was passed by City Council on May 9, 2023, but the effective date is October 1, 2023).

³ Unified Development Code Adopted Zoning Map (May 9, 2023), <https://cityoflubbock.maps.arcgis.com/apps/webappviewer/index.html?id=d774db4242094f0fa7ba8c64e9e3328a>.

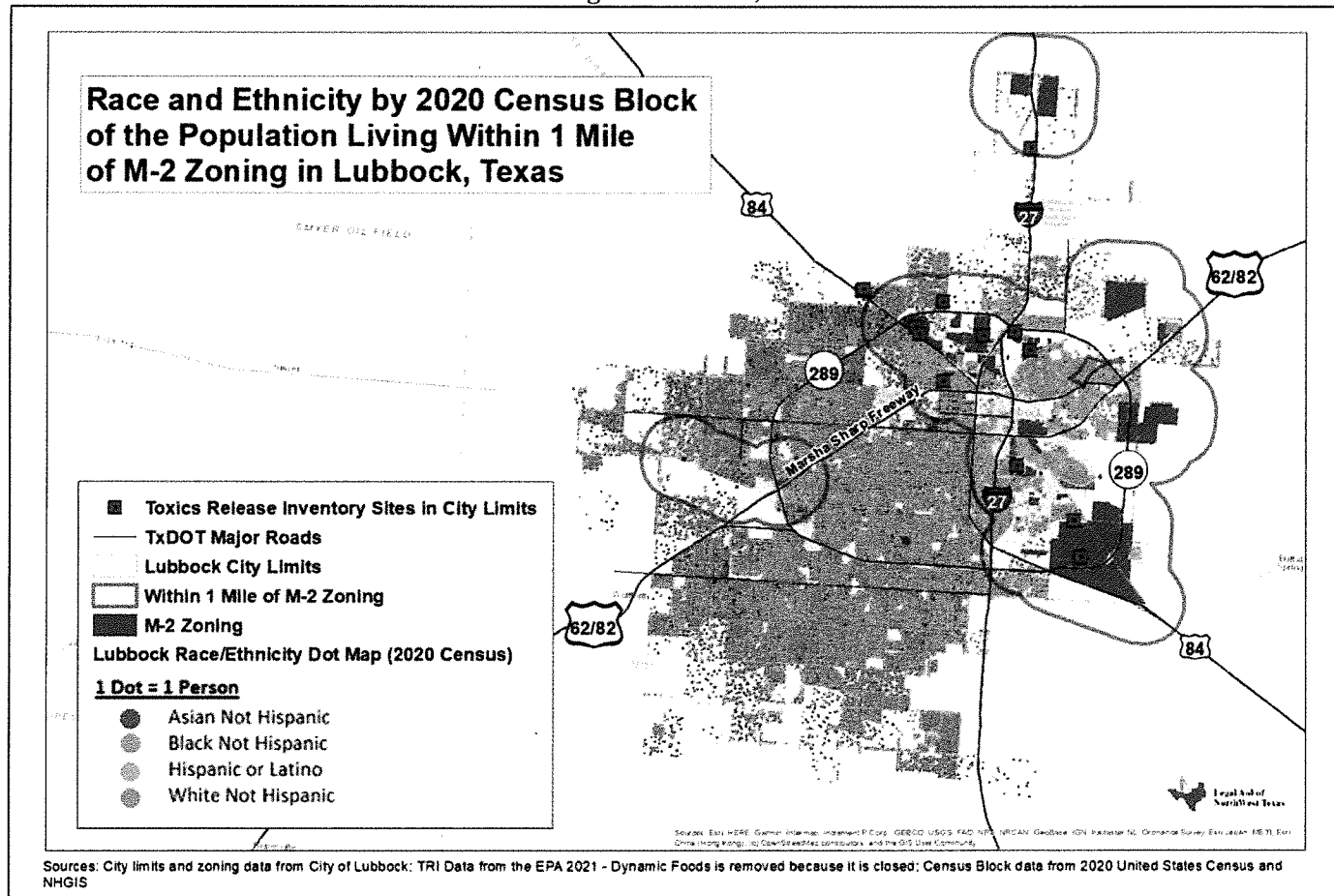
⁴ See Figure 1 and Figure 2, *infra* pp. 3, 7. General Industrial zoning, previously known as M-2 or Heavy Manufacturing, is the zoning classification permitting the most intensive industrial uses. These uses can cause problems and nuisances for residential areas nearby. For the long list of potentially hazardous uses allowed in M-2 areas, see LUBBOCK, TEX., CODE OF ORDINANCES § 40.03.2603 *et seq.* The UDC replaces the terms M-2 and M-1 with General Industrial (“GI”) and Light Industrial (“LI”) respectively. This complaint will use these terms interchangeably. Descriptions of LI and GI may be found in the UDC, §§ 39.02.006.e and f, respectively.

⁵ NOAH DE LA CRUZ ET AL., *Geographic Disparity in Asthma Hospitalizations: The Role of Race/Ethnicity, Socioeconomic Status, and Other Factors*, CUREUS (2021). 10.7759/cureus.20015, <https://pubmed.ncbi.nlm.nih.gov/34873552/>. (Asthma hospitalizations rates are higher for people living in northeast Lubbock); see also JEAN D. BRENDER ET AL., *Residential Proximity to Environmental Hazards and Adverse Health Outcomes*, 101 AM. J. PUB. HEALTH S37, S37–52 (2011).

⁶ CITY OF LUBBOCK, PLANLUBBOCK 2040 at 176-180 (2018), <https://ci.lubbock.tx.us/storage/images/qLXKelyOZxc7Ke4ByOxiYk8ropy5RPZOoTvYEqC2.pdf> (stating that “incompatible nonresidential land uses” are one the of the four major challenges to further developing East Lubbock) [hereinafter “2040 PLAN”]. See also *id.* at 169 (acknowledging that “most all housing east of I-27 is valued in the bottom 25 percent” of Lubbock’s residential housing).

increased blight conditions,⁷ noxious nuisances,⁸ reduced property values,⁹ amplified risk of injury from industrial accidents,¹⁰ and reduced quality of life.

Figure 1: Race and Ethnicity by 2020 Census Block of the Population Living Within 1 Mile of M-2 Zoning in Lubbock, Texas



The City's actions are unlawful. Because the City requests and accepts millions of dollars in federal funds from the Department of Housing and Urban Development ("HUD") and the Department of the Treasury ("Treasury"), we ask that HUD and Treasury conduct a joint or separate investigation(s) of the City's zoning and land use practices under Title VI of the Civil Rights Act of 1964 (Title VI). If warranted, we ask that HUD and

⁷ *Id.*

⁸ For example, see: *In the Matter of an Enforcement Action Concerning Miller Family Services, Inc.*, Docket No. 2021-0367-AIR-E, Texas Commission on Environmental Quality, February 23, 2022. The Texas Commission on Environmental Quality ("TCEQ") fined the crematorium for excessive emissions of human ash into the surrounding neighborhood. The TCEQ is the state agency that is responsible for enforcing the Clean Air Act, the Clean Water Act, and other federal laws on behalf of the federal Environmental Protection Agency ("EPA") as well as Texas' environmental laws.

⁹ See 2040 PLAN *supra* note 6, at 169.

¹⁰ *EJ Screen*, U.S. ENV'T PROTECTION AGENCY, <https://ejscreen.epa.gov/mapper/>. (last visited July 14, 2023) (Census block groups in Arnett Benson and Jackson-Mahon have more facilities that must have a chemical accident management plan within 5 km than 98% of all other census block groups in the United States. The census block containing Chatman Hill is in the 82nd percentile. To see this data displayed, search "RMP Facility Proximity" under "Pollution and Sources").

Treasury require the City to develop a detailed Title VI compliance plan that prohibits the City from continuing racist zoning and land use practices.

Specifically, NELC requests that the following measures be included in the compliance plan, requiring the City of Lubbock to:

1. Immediately impose a moratorium on permitting new industrial development within 500 yards of residential development until all Neighborhood Plans for East and North Lubbock neighborhoods are complete;
2. During the neighborhood planning process, amend the 2040 Plan and its Future Land Use Map (“FLUM”) by downzoning industrial or heavy commercial areas that are less than 500 yards from residential development;
3. Downzone parcels that are M-1 and M-2 in Lubbock’s current Zoning Map and LI and GI in the Unified Development Code that are not identified as industrial or heavy commercial in the FLUM;
4. Downzone current vacant, abandoned, or nonoperational M-1 and M-2 parcels and LI and GI in the Unified Development Code within 500 yards of residential development by December 31, 2024;
5. Downzone industrial land within 500 yards of residential development to a more compatible zoning designation by December 31, 2024, and relocate nuisance industries by or before 2040;
6. Allocate substantial and adequate funding to comply with SB 929¹¹ which instructs how a city may terminate a nonconforming use;
7. Allocate substantial and adequate funding to remediate¹² and/or remove abandoned and blighted structures on the industrial land the City rezones to a more compatible, less noxious category;
8. Allocate substantial and adequate funding to carry out the recommendations of the Neighborhood Plans for each East and North Lubbock neighborhood; and
9. Work with the TCEQ to install official TCEQ air monitors capable of rendering near real-time measurements for volatile organic compounds and particulate matter smaller than 10 microns and 2.5 microns in North and East Lubbock near pollution sources by December 31, 2024.

We also request the Federal Coordination and Compliance Section within the Civil Rights Division of the United States Department of Justice (“DOJ”) coordinate with Treasury and HUD throughout this process to ensure “the consistent and effective implementation of Title VI across the federal government.”¹³ For your convenience, we have included a table of contents below. We have also included a zip file in the email to which this letter is attached which contains electronic files of the figures and maps included in this complaint. Please let us know if we can provide assistance and additional information.

Despite many years of sustained and passionate advocacy from the residents of East and North Lubbock pushing city leaders to treat their neighborhoods fairly, the City continues to endanger rather than protect the health, safety, and welfare of its residents. NELC is hopeful that this complaint will finally lead the City to ensure that any resident living in any of Lubbock’s neighborhoods enjoys the equal protection of the law.

¹¹ SB 929, 88th Reg. Sess. (Tex. 2023), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=SB929> (This is recent legislation passed by the 88th Texas Legislature establishing a statewide standard for rezoning and for giving notice to, compensating, or amortizing resulting nonconforming uses. SB 929 preempts local amortization ordinances. The Governor signed this bill on May 19, 2023 and it was effective immediately.)

¹² See *supra* note 10.

¹³ DEPARTMENT OF JUSTICE, *Title VI Legal Manual*, at Section III (Updated Feb. 3, 2021) (hereinafter “*DOJ Title VI Legal Manual*”), <https://www.justice.gov/crt/fcs/T6manual5#:~:text=Under%20Title%20VI%2C%20a%20private,to%20contract%20with%20a%20recipient.>

Thank you for your time and attention to this matter.

Respectfully,

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cc: Chad Weaver, City Attorney for the City of Lubbock

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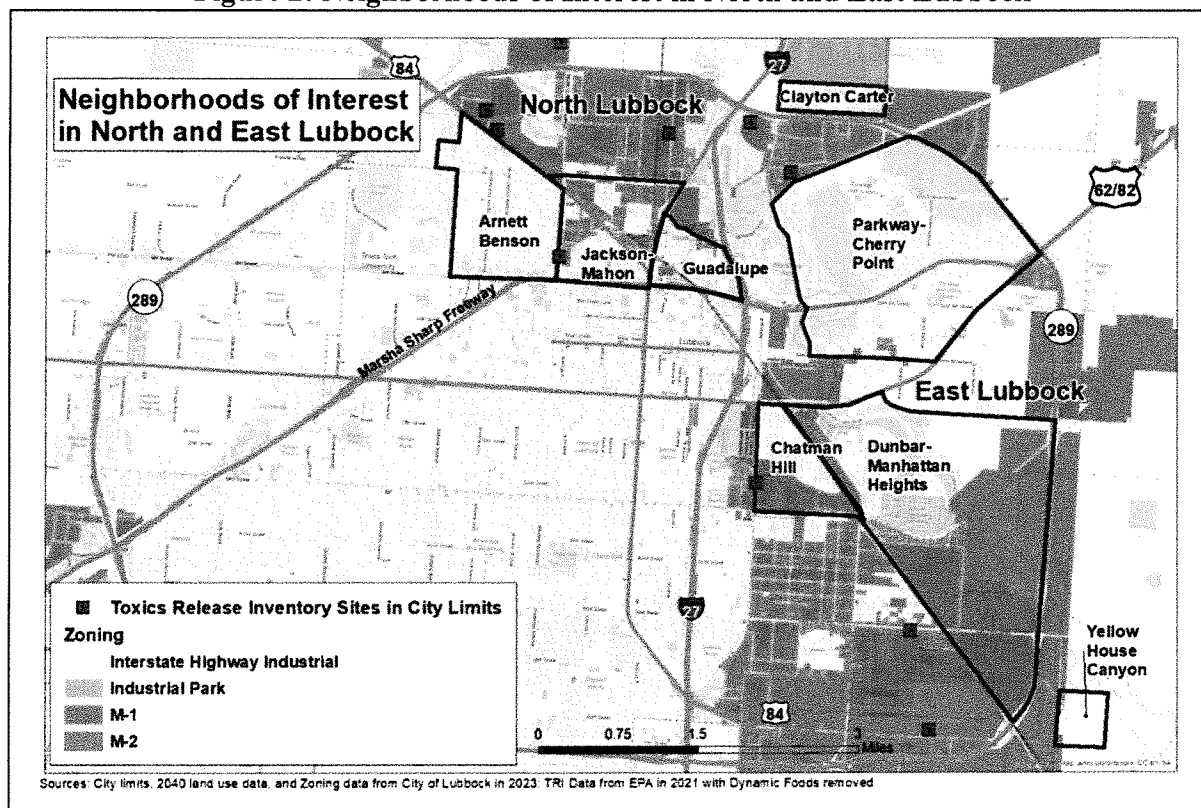
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I. PARTIES

A. Complainant – North and East Lubbock Coalition

The North and East Lubbock Coalition (“NELC”) is a community-based organization of Hispanic and Black citizens living in or having strong ties to North and East Lubbock. North Lubbock is the historic center of Lubbock’s Hispanic population and East Lubbock is the historic center of Lubbock’s Black population. The neighborhoods at issue in this complaint include, but are not limited to, Arnett Benson, Jackson-Mahon, and Guadalupe in North Lubbock and Clayton Carter, Chatman Hill, Dunbar-Manhattan Heights, Parkway-Cherry Point, and Yellow House Canyon in East Lubbock. The locations of these neighborhoods are shown in Figure 2 below and can also be seen at <https://tinyurl.com/North-and-East-Lubbock>. NELC’s mission is to protect residents in North and East Lubbock from the harms to health, property value, and quality of life from pollution and other nuisances caused by neighboring industrial uses. The City of Lubbock’s (“the City”) zoning and permitting policies of concentrating industrial zoning and other land uses that are incompatible with residential uses around neighborhoods of color directly impact NELC members. Members live or own property less than a mile from land zoned for General Industrial (previously known as M-2 or Heavy Manufacturing), the zoning designation that allows for the most intensive uses.¹⁴ Individual NELC members have battled against the encroachment of industrial uses into their neighborhoods for many years. These actions include challenging the siting and permitting of individual industrial facilities and advocating for fairer treatment in City-led efforts including PlanLubbock 2040 (the “2040 Plan”), the City’s 2018 Analysis of Impediments to Fair Housing, and the Unified Development Code (“UDC”).

Figure 2: Neighborhoods of Interest in North and East Lubbock



¹⁴ See *supra* note 2.

B. Recipient – The City of Lubbock, Texas

The City of Lubbock is a home rule municipality organized and operating under the laws of the State of Texas. Lubbock's population is 260,930.¹⁵ In Lubbock, 50.1% of the population is White, 37.1% is Hispanic, and 8.1% is Black.¹⁶ Lubbock's City Council operates as the City's legislative and governing body by enacting ordinances and resolutions by a majority vote or, in limited cases, a super-majority vote.¹⁷ The City Council includes the mayor and six council members.¹⁸ The mayor is elected at-large while each council member is elected to serve a single-member, geographical district.¹⁹ Although the mayor is the executive officer of the City, the mayor's vote is equal to other council members and the mayor may not veto City Council decisions.

City Council is the final decision maker for the land use and zoning decisions that are the subject of this complaint, including the UDC and the new Zoning Map. Pursuant to the State of Texas's Zoning Enabling Act, the City Council must make certain zoning decisions based on recommendations from the City's Planning and Zoning Commission ("P&Z").²⁰ However, P&Z ultimately serves as an advisory board because City Council makes the final enforceable decisions on all planning and zoning matters based on P&Z's recommendations.²¹ These decisions include adopting zoning regulations, setting district boundaries, and rezoning certain areas.²²

City Council appoints nine voting members to serve on P&Z along with three City staff members (City manager, City Engineer, and Director of Planning) who serve in a non-voting, advisory capacity.²³ City code requires the nine voting members to be residents and real property taxpayers in the City.²⁴

Texas's Zoning Enabling Act requires cities to adopt their zoning regulations in accordance with a comprehensive plan.²⁵ On December 17, 2018, City Council passed Lubbock's most recent comprehensive plan,

¹⁵ 2021 American Community Survey 1-Year Estimates, Lubbock City, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/lubbockcitytexas.lubbockcountytexas/POP010210> (last visited May 29, 2023).

¹⁶ *Id.*

¹⁷ LUBBOCK, TEX., CHARTER ch.1, art. IX, § 9. (1917). *See also*: LUBBOCK, TEX., CODE OF ORDINANCES § 40.01.005(c)(3) (The City Council needs a majority vote to approve a zoning change that has been: issued a denial recommendation by P&Z, or 20% of the owners of lots within the proposed zoning change or 200 feet from proposed zoning protest against the proposal; LUBBOCK, TEX., CODE OF ORDINANCES § 39.07.032(C) (The UDC eliminates the supermajority vote requirement if P&Z recommends a denial).

¹⁸ LUBBOCK, TEX., CHARTER ch.1, art. IX, § 1 (1988).

¹⁹ The City of Lubbock formed single-member districts after years of litigation with local civil rights activists. A federal judge found that Lubbock's original at-large voting system was discriminatory under the Voting Rights Act and the Fifteenth Amendment because it allowed majority-White residents to pick all members of the City Council, while denying representation to Black and Hispanic districts. Following a decision by the Fifth Circuit that sided with the plaintiffs in 1984, Lubbock created two minority-opportunity districts, District 1 and District 2, which encompassed North and East Lubbock, respectively. *See: Jones v. City of Lubbock*, 727 F.2d 364, 368 (5th Cir. 1984).

²⁰ TEX. LOC. GOV'T § 211.007(a) (2013).

²¹ LUBBOCK, TEX. CODE OF ORDINANCES § 2.03.528 (1983).

²² *See generally*: TEX. LOC. GOV'T §§ 211.006 and 211.007.

²³ LUBBOCK, TEX. CODE OF ORDINANCES § 2.03.522 (1983).

²⁴ *Id.* (The requirement that P&Z voting members be real property taxpayers serves as a mechanism to exclude renters from serving on P&Z and as a result, disproportionately excludes Black and Hispanic residents from service. Data from the 2021 American Community Survey shows that Black and Hispanic residents in Lubbock are disproportionately renters, while White, non-Hispanics are disproportionately homeowners. In Lubbock, 77% of Black households are renters and 55% of Hispanic households are renters. Only 40% of White households are renters. The requirement that voting members of P&Z be real property taxpayers is not only arbitrary, but also excludes Black and Hispanic populations (the majority of whom rent housing) from having a voice on zoning decisions in the City. Other comparable cities in Texas, such as Amarillo and Fort Worth, only require zoning commission members to be registered voters.)

²⁵ TEX. LOC. GOV'T § 211.004 (1997).

the 2040 Plan.²⁶ The City relied on the 2040 Plan to pass the UDC and satisfy the requirements of the Zoning Enabling Act.

As detailed in Section II.A, the City is a recipient of federal funding and as such, is subject to federal regulations concerning use and expenditure of federal funds, including Title VI. City Council has ultimate authority on how the City spends federal funds.

²⁶ See 2040 PLAN *supra* note 6, at 1.

II. JURISDICTION

Treasury and HUD, and by extension DOJ, have jurisdiction under Title VI to investigate and address the City's discriminatory zoning system. Title VI mandates that "[n]o person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."²⁷ A federal agency has jurisdiction over a Title VI complaint if: (1) a program or activity of a local or state government (2) has received federal financial assistance, (3) a complaint is timely filed, and (4) other prudential and judicial factors are satisfied. This Complaint satisfies all four elements.

A. Program or Activity

The City's zoning and land use regime, including the UDC and the new zoning map, is a program or activity subject to Title VI. The plain language of Title VI states that a program or activity means "all of the operations of a department, agency, special purpose district, or other instrumentality of a State or local government; or *the entity of such state or local government that distributes such assistance.*"²⁸ City Council is the entity responsible for distributing Treasury and HUD's federal assistance throughout the city. Thus, City Council's operations are subject to Title VI.²⁹ Because regulating zoning and land use is an operation of City Council, Treasury and HUD have jurisdiction and a duty under Title VI to remedy racial discrimination within Lubbock's zoning and land use system.

B. Federal Financing/Federal Financial Assistance

The City of Lubbock is a direct recipient of federal financial assistance from several federal agencies including Treasury and HUD. The Title VI implementing regulations of Treasury and HUD confirm that the City of Lubbock is a recipient under and subject to Title VI.

1. Treasury Funds Received by the City

Treasury defines a recipient as "any State . . . or any political subdivision thereof, or instrumentality thereof, any . . . institution, or organization . . . in any State . . . to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof."³⁰ Treasury recently provided the City with \$56,757,324.00 in federal financial assistance through the American Rescue Plan Act ("ARPA").³¹ This financial assistance, paid directly to the City, covers spending incurred by the City through December 31, 2024³² and City Council is still distributing and managing this ARPA assistance. Thus, the City of Lubbock is a "recipient" under Treasury's Title VI regulations.

²⁷ 42 U.S.C. § 2000d *et seq.*

²⁸ 42 U.S.C. § 2000d-4a(1)(A) and (B) (emphasis added).

²⁹ The DOJ Title VI Legal Manual further illustrates the point that all of the operations of an entity that distributes federal funds are covered under Title VI by providing this example: "If the office of a mayor receives federal financial assistance and distributes it to departments or agencies, all of the operations of the mayor's office are covered along with the departments or agencies that actually receive the aid from the Mayor's office." *DOJ Title VI Legal Manual* at Section V.E.2.

³⁰ 31 C.F.R. § 22.3 (2016).

³¹ SLFRP2653, Department of the Treasury, [USASPENDING.gov](https://www.usaspending.gov/award/ASST_NON_SLFRP2653_2001), https://www.usaspending.gov/award/ASST_NON_SLFRP2653_2001 (last visited May 29, 2023). *See also* H.R. 1319, 117th Cong. (2021).

³² Sec. 9901, H.R. 1319, 117th Cong. (2021).

2. HUD Funds Received by the City

HUD defines a recipient as “any State, political subdivision of any State, or instrumentality of any State or political subdivision . . . or other entity . . . in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program or activity.”³³ The City receives federal financial assistance annually from HUD through various programs including Community Development Block Grants (“CDBG”), HOME Investment Partnership (“HOME”), and Emergency Services Grants (“ESG”). In Fiscal Year 2022, the City received \$2,254,505³⁴ in CDBG funds, \$1,131,013³⁵ in HOME funds, and \$186,658³⁶ in ESG funds. On November 16, 2022, City Council voted to allow the Mayor to execute a Community Development Agreement between the City and HUD to accept HUD funding and the conditions that come with HUD funding.³⁷ On behalf of the City, the Mayor signed several assurances including certifying that the City will comply with Title VI.³⁸ Like the Treasury funds described above, City Council is also responsible for distributing federal financial assistance from HUD. On July 23, 2019, City Council passed a resolution to adopt the 2019-2023 Consolidated Plan that determined how the federal financial assistance from HUD would be distributed and spent for the next five years.³⁹ Because the City Council is the entity distributing HUD funds, HUD has jurisdiction to investigate and address discrimination in the City Council’s operations.

C. Timeliness

This complaint is timely. HUD and Treasury’s Title VI implementing regulations generally require a complainant to file a complaint within 180 days of the alleged discriminatory act unless the responsible Department official extends the time for filing or waives this requirement.⁴⁰ Within the past 180 days, the City took zoning and land use actions that impermissibly discriminate against Lubbock’s majority Black and Hispanic neighborhoods and thus violate Title VI.

On May 9, 2023, the City Council passed an ordinance to adopt the UDC and a new Zoning Map based upon the new zoning districts in the UDC. As stated above, the UDC is the City’s updated zoning and development code. The Zoning Map passed along with the UDC reinforces past discriminatory patterns for future generations. Under the UDC and the new Zoning Map, 57% of Lubbock’s Black residents and 38% of Lubbock’s Hispanic residents live within one mile of General Industrial zoning (previously known as M-2 zoning). In contrast, only 17% of Lubbock’s White population lives within the same proximity to General Industrial zoning. The City Council passed the UDC and new Zoning Map with five councilmembers in favor and two opposed. Shelia Patterson Harris, the councilmember for East Lubbock, voted in opposition.

³³ 24 C.F.R. § 1.2(f) (1985).

³⁴ B-22-MC-48-0022, Department of Housing and Urban Development, USASPENDING.gov, https://www.usaspending.gov/award/ASST_NON_B-22-MC-48-0022_8620 (last visited May 29, 2023).

³⁵ M22-MC480205, Department of Housing and Urban Development, USASPENDING.gov, https://www.usaspending.gov/award/ASST_NON_M22-MC480205_8620 (last visited May 29, 2023).

³⁶ E-22-MC-48-0022, Department of Housing and Urban Development, USASPENDING.gov, https://www.usaspending.gov/award/ASST_NON_E-22-MC-48-0022_8620 (last visited May 29, 2023).

³⁷ Lubbock, Tex., Resolution 2022-R0469 (Nov. 16, 1986), <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=2224539&dbid=5&repo=Lubbock>.

³⁸ 24 C.F.R. § 1.5 (1985).

³⁹ Lubbock, Tex., Resolution 2019-R0269 (Jul. 23, 2019), <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=230374&dbid=5&repo=Lubbock>.

⁴⁰ See 24 C.F.R. § 1.7(b) (2023). See also 31 C.F.R. § 22.7(b) (2023).

D. Other Prudential Factors and Jurisdictional Considerations

This complaint satisfies all prudential and judicial requirements of Title VI and its implementing regulations.⁴¹ This complaint is in writing.⁴² It alleges racially discriminatory acts performed by the City, an entity that is a recipient of funding from certain federal agencies.⁴³ The Community Revitalization Project of Legal Aid of NorthWest Texas timely files this complaint with HUD and Treasury on behalf of NELC, a group composed of individual Black and Hispanic property owners and residents whom the City is injuring with discriminatory acts.⁴⁴

This complaint is ripe for review and not moot because the City's ongoing violations continue to injure the residents of North and East Lubbock, who are predominantly Hispanic and Black. No other complaint is pending before any other federal, state, or local agency or any state or federal court regarding the racially discriminatory impacts of the City's zoning and land use actions.

Finally, the complaint seeks relief from Treasury, HUD, and DOJ under Title VI. The complainant, NELC, asks these agencies to investigate the allegations made in this complaint and bring the City into compliance with Title VI. If the City is not willing to come into compliance, NELC asks HUD and Treasury to condition any future federal funding on the City's compliance with Title VI and, if necessary, rescind relevant funding. This relief is not available through other means.

⁴¹ See 28 C.F.R. §42.107(b) (2023).

⁴² See *id.*.

⁴³ See *id.*.

⁴⁴ See *id.*

III. FACTUAL BACKGROUND

A. The City of Lubbock has a history of racist zoning practices against Black and Hispanic residents.

Early in Lubbock's history, the City deliberately segregated Black citizens into specific neighborhoods on the east side and built industry around their communities. In 1923, Mayor Percy Spencer signed Ordinance 225 ("the 1923 Ordinance"), originally penciled as Ordinance 223, which prohibited Black residents from living anywhere other than the area south of 16th Street and east of Avenue C, excepting Black people living in "bona fide servant's quarters."⁴⁵ In an apparent effort to get around the 1917 Supreme Court case *Buchanan v. Warley* that struck down a similar racial segregation law,⁴⁶ the City justified the 1923 Ordinance on environmental and health and safety grounds by equating the impact of Black people on White neighborhoods to the impact of polluting industries on White neighborhoods.

The ordinance reads in part:

Section 1: No negro or person of African descent or containing as much as one-eighth negro blood shall own property or reside thereon in any part of the city except that part lying South of 16th St. and East of Avenue C, and no person shall rent or lease to any such negro or person of African descent or one containing as much as one-eighth negro blood outside of the territory limits, as above...

*Section 4: The fact that negroes and persons of African descent and persons containing as much as one-eighth negro blood are residing in various portions of this city and their residents (sic) is dangerous to the health and pollutes the earth and atmosphere, creates an emergency and necessity that the removal of the charter requiring an ordinance to be read at two several meetings be suspended and this ordinance been acted at the meeting of its introduction and effective upon publication.*⁴⁷

In Lubbock's first comprehensive plan published in 1943 (the "1943 Plan"), the City created an industrial buffer zone between White neighborhoods and Hispanic and Black neighborhoods.⁴⁸ The 1943 Plan was openly discriminatory,⁴⁹ reserving the east and north sides of the city for Blacks and Hispanics and advised against extending the central business district into those areas. The 1943 Plan reads in part:

The area to the East and to the North of the present business district has been preempted by the Santa Fe

⁴⁵ Foster, at 110 (quoting from Ordinance 225). See also *supra* note 1.

⁴⁶ *Buchanan v. Warley*, 245 U.S. 60 (1917).

⁴⁷ Foster, at 47 (quoting Feb. 5, 1920 *Lubbock Avalanche* editorial advocating for racial segregation: "People are not going to stand for negro neighbors, and if there is not regulation made by the proper authorities there is liable to be regulations of a private nature, which should be avoided if possible....").

⁴⁸ CITY OF LUBBOCK, THE CITY PLAN OF LUBBOCK TEXAS (1943)

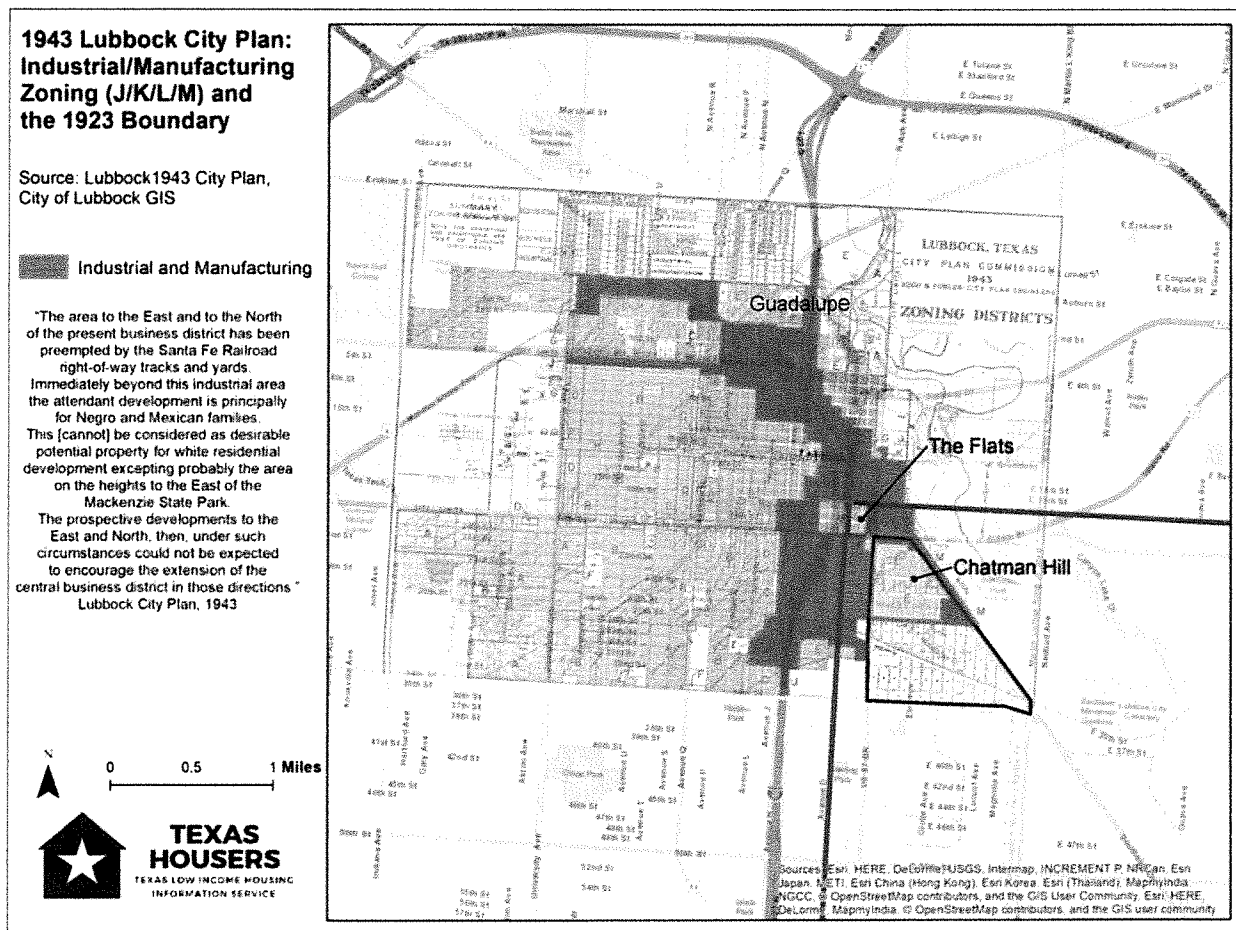
<https://ci.lubbock.tx.us/storage/images/adocE7IIWcWyuwFIdSAKtohlYW5KKXwwz7U0KBaX.pdf> [hereinafter "1943 Plan"].

⁴⁹ Cynthia L. Sorrensen, et al., *Urban landscape as mirror of ethnicity: trees of the South Plains*, URBAN GEO., 36:7, 1042–63 (July 2, 2015), <https://doi.org/10.1080/02723638.2015.1039397> ("Discriminatory thinking behind annexation was blatantly demonstrated in the 1943 city plan of Lubbock. Eastside property that extended from industrial areas was deemed 'not appropriate' for White residences. Black and Hispanic residential landscapes were not seen in a similar vein, and instead were deemed 'appropriate' for the eastside and its exposures to industry. This became even more clear in 1953 when the Southeast Lubbock Development Board (SLDB) was established for the sole purpose of developing eastside residential zones for Black residences. The mission of the board aligned with the urban blight/annexation discourse and worked to alleviate hazardous conditions within already-existing slum areas, which had supposedly resulted from overcrowding. It also encouraged the relocation of historic Black communities to newer developments on the eastside. In essence, Black and Hispanic residential landscapes were not really residential in the minds of city planners; these landscapes were instead understood as extensions of industrial landscapes where labor lived and worked.").

*Railroad right-of-way tracks and yards. Immediately beyond this industrial area the attendant development is principally for Negro and Mexican families. This [cannot] be considered as desirable potential property for white residential development excepting probably the area on the heights to the East of the Mackenzie State Park. The prospective developments to the East and North, then, under such circumstances could not be expected to encourage the extension of the central business district in those directions.*⁵⁰

The map in Figure 3 below shows the 1943 land use map superimposed in Lubbock's modern day street map. Areas in purple represent manufacturing and industrial districts. The red line denotes the 1923 Ordinance's prescribed boundaries for Black residents. In 1943, Black residents lived in "The Flats" and in the area that later became Chatman Hill. Hispanic residents settled in the area now known as the Guadalupe neighborhood.

Figure 3: Industrial Zoning in 1943 Land Use Map with Modern Lubbock Street Map



Lubbock City planners reviewing this history many years later documented how Lubbock's early lawmakers and planners used the railroad and industrial zoning to separate "lighter" and "heavier" urban activities as well as lighter and darker skinned people:

⁵⁰ 1943 PLAN, *supra* note 48, at 14 (emphasis added).

[T]he coming of the railroad later in 1909 established the final barrier to any major eastward residential and retail growth. The railroad here, as in most other places, formed a convenient boundary between the "lighter" and "heavier" urban activities. In 1909 the Lubbock Light and Ice Company built its plant "across the tracks" on Main Street and in 1917 the town's own electric plant began operating on a site adjacent to the railroad on Fifth Street. In 1916 the City Council passed an ordinance stipulating that wild west shows, carnivals and the like must hold their performances east of the railroad tracks. The flat lands on the west had been preempted for residential development, with the less easily developed, and therefore cheaper, lands on the east relegated to the role of sites for industry and minority group housing...

The beginning of ethnic residential segregation in Lubbock coincides with the beginning of a [B]lack population. Black residential growth was directed southeastward to a general locational mix with the railroads and industry. It eventually crossed the canyon and continued on the east side of the town between Fourth and Nineteenth Streets. The [C]hicano population became established originally on the north side and has since spread westward to the Arnett-Benson area north of the University and eastward to the Cherry Point-Mackenzie Terrace area.⁵¹

Lubbock's 1959 city plan continued to perpetuate racial segregation and subjected Black and Hispanic communities to discriminatory zoning and land use policies as shown in Figure 4 (right). The planners recognized the dangers of industrial land use, writing that heavy industries "are known to emit smoke, dust, odor, or noise, or are hazardous by nature."⁵² City planners also recognized that healthy neighborhoods should be "free from the noxious odors, sounds and sights of industry."⁵³ While the City planners spared White neighborhoods from the nuisances, hazards, and harm they associated with heavy industry, those same City planners surrounded the Black neighborhoods near present day Chatman Hill with industrial zoning.

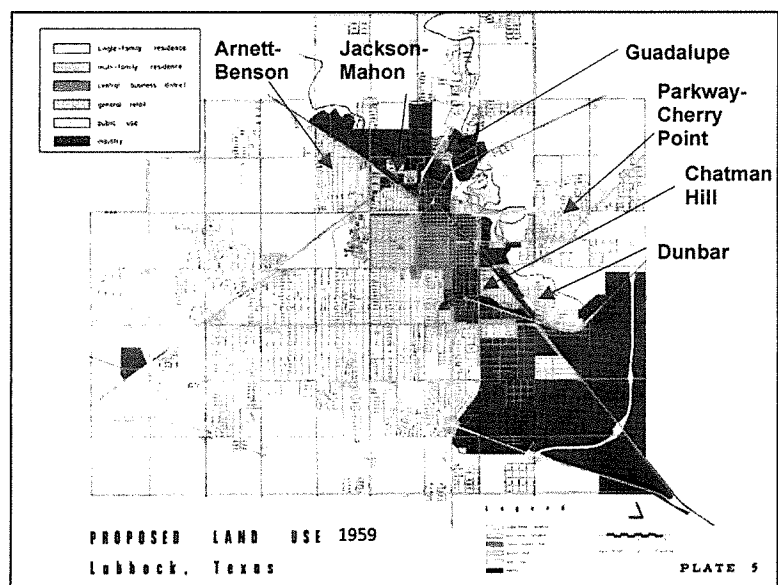


Figure 4: Lubbock Proposed Land Use Map from 1959 Plan with some Modern Neighborhoods Labeled

Concurrent with the 1959 planning effort came the City's Urban Renewal efforts. Urban Renewal grew out of the Housing Act of 1949, which provided federal funds to cities to combat blight in urban areas. Under the auspices of health and safety, cities could apply for funds to tear down what cities viewed

⁵¹ CITY OF LUBBOCK, LUBBOCK COMPREHENSIVE PLAN LAND USE REPORT, 55-57 (1974), <http://hdl.handle.net/2346/48596> [hereinafter "1974 PLAN"]. When explaining why Lubbock expanded to the southwest, city planners cited "minority housing" in the north and east sides as a hamper to development. "The location of Texas Tech, L.C.C., and Reese Air Force Base all perpetuated the southwestward trend, while *industrial concentration adjacent to rail lines along the canyon rim, commercial feed lots and minority housing have slowed growth to the north and east.*" *Id.* at 129 (emphasis added).

⁵² CITY OF LUBBOCK, LUBBOCK COMPREHENSIVE PLAN LAND USE REPORT, 6 (1959), <https://ci.lubbock.tx.us/storage/images/7QGyK5sWmZjLy5RvLkTLBMUFFH3qngnLJUgnK1BR.pdf> [hereinafter "1959 PLAN"].

⁵³ *Id.* at x.

as “blighted” communities and relocate those communities to other areas. Urban Renewal left no area of Black Lubbock untouched. In the area now known as Chatman Hill, the Lubbock Urban Renewal Agency (“URA”) demolished many of the homes and businesses in the area as part of the “Coronado Project.”⁵⁴ Although the URA replaced the homes that URA destroyed with modern housing, many of the businesses the URA removed never came back. The City also used Urban Renewal funds to build Dunbar-Manhattan Heights and Yellow House Canyon, new subdivisions specifically for Black residents. Dunbar-Manhattan Heights would grow to have industrial zoning on its borders and hosts the City’s sewage treatment plant to this day. The Yellow House Canyon neighborhood was established on Lubbock’s southeast corner on the east side of the massive industrial expansion proposed in the 1959 Plan. At that time, these subdivisions were essentially the only places within the city limits where Black residents could buy homes. J.D. Hassell, a member of Lubbock’s first planning and zoning board, acknowledged in a 1972 interview the Urban Renewal projects were meant to enforce segregation between Blacks and Whites.⁵⁵ He added that racial segregation was “perfectly natural and logical at that time.”⁵⁶

It is clear that the City did not consider residential areas occupied by Black and Hispanic citizens to be worthy of the same protection the City afforded to White neighborhoods. The City deliberately subjected neighborhoods of color to industries that the City itself found to be “hazardous by nature” while protecting White neighborhoods from those same industries.⁵⁷ The 1959 plan proposed reserving a small portion of land in the southwest part of town as industrial along the then Santa Fe Railway and now Lubbock and Western Railway but as shown in Figure 4 (previous page), no residential development was located near that area at the time.

The 1974 Land Use Report acknowledged that industrial concentration could harm nearby neighborhoods and frequently cited industrial concentration as a reason for an area’s decline. In one section of the report, City planners divided Lubbock into different sectors and analyzed whether they would grow or deteriorate. The 1974 Plan’s analysis of Sector 2, which contained Dunbar-Manhattan Heights, is insightful:

*This area, like others in east Lubbock, suffers from relative locational problems. Since early years, this area has experienced ethnic segregation problems. **This Sector includes many industrial sites. Parts of the Sector receive noxious odors emitted in Sector Three. The sewage treatment plant is located near the F.W.&D. trestle in Yellowhouse Canyon. There are also several tall grain elevators located near the 34th St./Southeast Drive intersection.** There is apparent lack of interest from financial institutions to loan capital for housing or other major developments in this area. Positive factors for the area include low population density, interesting terrain, and very low land and structure prices. Negative factors, which include the tremendous inertia of growth to the southwest, make it difficult for many people to consider*

⁵⁴ John Overton Burford, The Development of the Coronado Urban Renewal Project 48–49 (1966) (unpublished MBA thesis, Texas Tech University) <https://ttu-ir.tdl.org/ttu-ir/handle/2346/13637?locale-attribute=es>.

⁵⁵ Interview with J.D. Hassell by Alice Johnson (Jan. 11, 1972) (On file with Texas Tech University, Southwest Collections).

Interviewer: “Now you had the Manhattan Project [sic] come up during the time you were on. Now this was particularly for the blacks.

Hassell: “That’s right.”

Interviewer: “Now as this a city plan to keep them over there?”

Hassel: “I can only offer my opinion on that and I think it was. It was perfectly natural and logical at that time.”

See also Letter from H.O. Alderson, Executive Director of Urban Renewal Agency of City of Lubbock (Jan. 15, 1960) (on file with Texas Tech University, Southwest Collections). Mr. Alderson, the Executive Director of the Urban Renewal Agency, stated that the the Coronado project was developed for “Negro occupancy since the initial planning for the Coronado Project came into being.”

⁵⁶ Interview with J.D. Hassell by Alice Johnson, *supra* note 55.

⁵⁷ See 1974 PLAN, *supra* note 51, at 6.

development within this area of Lubbock...

[T]he sector contains much more land under industrial zoning than could possibly be used in the predictable future. This tremendous amount of "M" zoning precludes residential development in the area. Studies indicate an urban agricultural classification would be more compatible with residential uses. Encouragement of this residential growth on the east side of Yellowhouse Canyon is a necessity to round out the growth patterns of the city. If encouragement were given to industries that are non-polluters and low water users coupled with high quality residential developments for workers, this area would once again grow and prosper. The future of this sector could revolve around the availability and use of community renewal funds... Zoning revisions, along with the possibilities for improvement through Federal funding can provide much impetus for development.⁵⁸

The authors of the 1974 Plan recognized that the “tremendous amount” of industrial zoning precluded residential development in the Dunbar area and recommended large-scale rezoning and for the City to encourage non-polluters to locate in the area.⁵⁹ The 1974 Plan coincided with the City’s undertaking of the Canyon Lakes Project, a major public works project to both dispose of the large amount of debris generated by the 1970 tornado and create a park system along the Yellow House Canyon and the Double Mountain Fork of the Upper Brazos River.⁶⁰ Prior to the 1970 tornado, much of Yellow House Canyon was used as a dumpsite and for industrial activities, with the exception of Mackenzie Park. In the 10-year period following the tornado, the City buried tons of tornado debris under the newly constructed Canyon Lakes parks and removed some industrial sites such as a caliche mining operation and used car dumpsites from the Canyon Lakes. However, the effort to remove industrial zoning from East and North Lubbock would be short-lived.

In the 1986 Comprehensive Plan, the City rejected the recommendations of the 1974 Plan and returned to old patterns.⁶¹ The 1986 Plan expanded industrial zoning on a massive scale in the area around Dunbar and Chatman Hill and other parts of East and North Lubbock (see Figure 5 on page 19). Forty-nine years following the 1974 Plan, many of the problems the plan cited as plaguing East Lubbock then still exist today including the “noxious odors” from the PYCO oil mill, the cattle feedlot, and the nearby sewage treatment plant. The grain elevators 2500 E 37th Street on the southern edge of Dunbar still stand. Only one bank is located east of Interstate 27, the western border of East Lubbock.

Changing demographics led to increased industrialization in the north side and in the Parkway-Cherry Point area. In the early 1960s, North Lubbock hosted one of Lubbock’s wealthier neighborhoods, the Country Club Addition. City planners predicted that neighborhoods like the Country Club Addition and the then-predominantly White development in Parkway would spur further residential development and population growth in the area. However, White residents fled from North Lubbock as schools integrated in the ‘60s. As demographics changed, the City moved to expand industrial zoning in the area.⁶² The following excerpt from the 1974 Plan chronicles this history:

Many people have expressed the opinion that school district boundaries have been largely responsible for

⁵⁸ *Id.* at 88-91 (emphasis added).

⁵⁹ *Id.* at 91.

⁶⁰ Jes Deaver, *A Caprock and Hard Place*, TEXAS ARCHITECT, July/August 2021, <https://magazine.texasarchitects.org/2021/07/01/a-caprock-and-a-hard-place/> (last visited May 1, 2023).

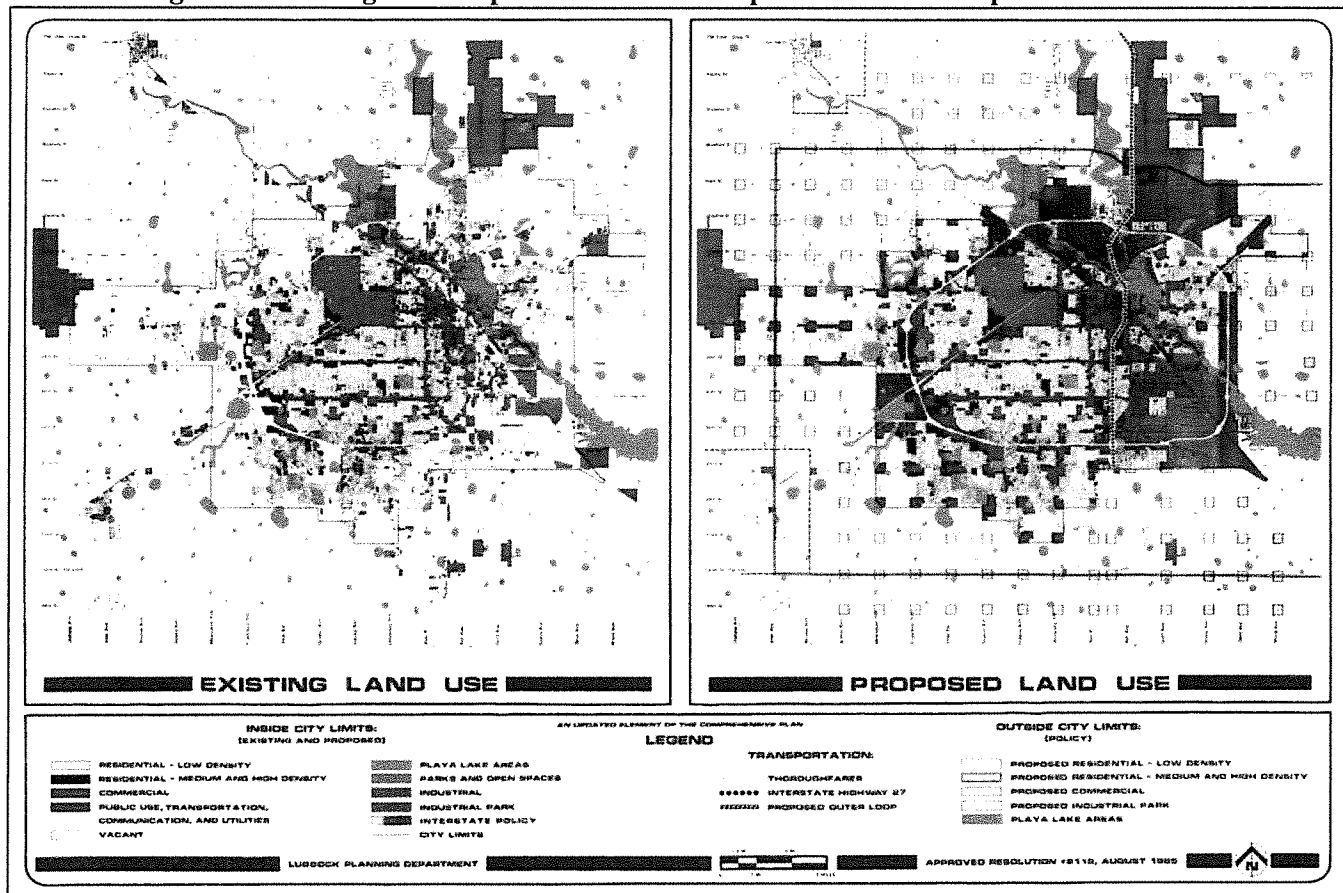
⁶¹ CITY OF LUBBOCK, LUBBOCK COMPREHENSIVE LAND USE PLAN (1986), <https://ci.lubbock.tx.us/storage/images/jAupZyPxhRKxjA2NJ18V0z1vxNWRdFe4M6ZrMYvx.pdf> [hereinafter “1986 PLAN”].

⁶² See *infra* Figure 5 showing the 1986 Comprehensive Plan’s massive expansion of industrial land use around the Parkway area once that neighborhood became predominantly Black and Hispanic.

the decline in development of the Country Club Addition. When this area was in the height of growth, residential additions to the east had predominant white/middle-class ethnic make-up. On this basis construction plans for Estacado High School were made to accommodate the community needs. However, the 1960's brought about a change in social and ethnic composition of the neighborhoods and by the time Estacado High School was built, minority enrollment was predominant. A definite effect was seen in the Country Club area as evidenced by the fact that many families did not rebuild homes destroyed by the tornado.⁶³

By 1986, with White flight from the area complete, the City cemented the economic stagnation of the east and north sides by surrounding the areas with industrial zoning, essentially blocking off a path for increased residential expansion outside of established neighborhoods. Figure 5, below, shows the 1986 proposed land use map with industrial land uses shown in gray. The plan's proposal to expand industry in the north and east sides came to fruition; the 1986 Plan's future land use map nearly matches the City's current zoning map.⁶⁴

Figure 5: Existing and Proposed Land Use Maps from 1986 Comprehensive Plan⁶⁵



In addition to expanding zoning in Black and Hispanic neighborhoods, the 1986 Plan also laid the

⁶³ 1974 PLAN, *supra* note 51, at 129.

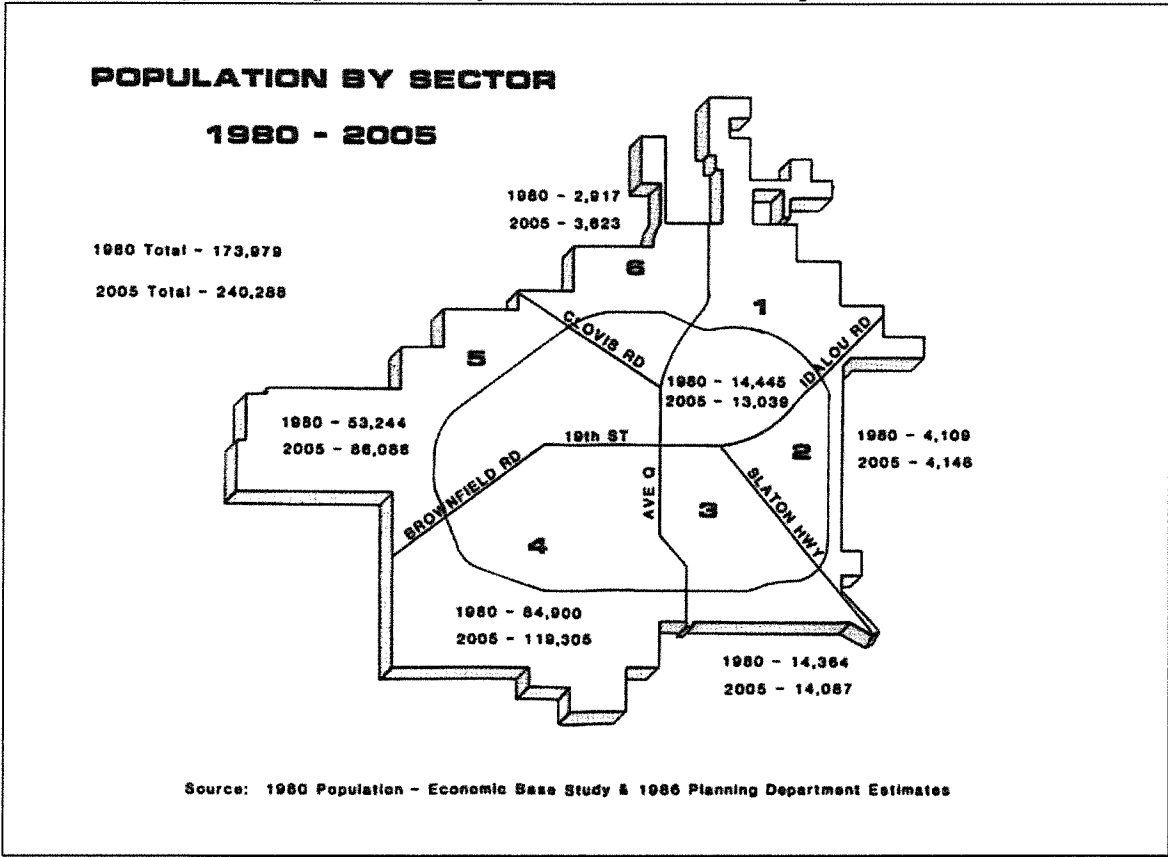
⁶⁴ See LUBBOCK, TEX. CODE OF ORDINANCES § 40.03.002 (Jun. 14, 2018). See also Lubbock, Tex., Zoning Map Viewer, <https://cityoflubbock.maps.arcgis.com/apps/webappviewer/index.html?id=c8af6e86519349df8487ae10bf349077> (last visited, May 1, 2023).

⁶⁵ 1986 PLAN, *supra* note 61.

groundwork for the expansion of Interstate 27 (“I-27”) through Lubbock. As seen in Figure 5 previously, I-27 was built on the old Avenue C corridor, which was the east/west geographic boundary of the 1923 Ordinance approximately 60 years prior. The raised freeway serves as another imposing barrier walling off East Lubbock from the rest of the city continuing the segregative land use policies of the Jim Crow era.

The 1986 Plan did solve problems caused by conflicts between industrial and residential uses in Black and Hispanic neighborhoods even though its authors understood that these conflicts would lead to population decline. Figure 6, below, is an excerpt from the 1986 Plan in which the authors predicted what the population of Lubbock would be in 2005 across six sectors. They expected massive growth in the southwest and stagnation or decline in eastern and northern sections. City policies made their prognostications come true.

Figure 6: Population Projections in the 1986 Comprehensive Plan⁶⁶



The 1986 Plan’s land use map governed land use decisions in Lubbock through 2018. In 2018, the City’s newest comprehensive plan, the 2040 Plan, replaced the 1986 Plan. As the next section details, the 2040 Plan has done little to lessen the disproportionate, discriminatory impact of the City’s past zoning policies and land use plans. Lubbock’s newest zoning regime, the 2023 UDC and its corresponding Zoning Map double down on past discriminatory patterns.

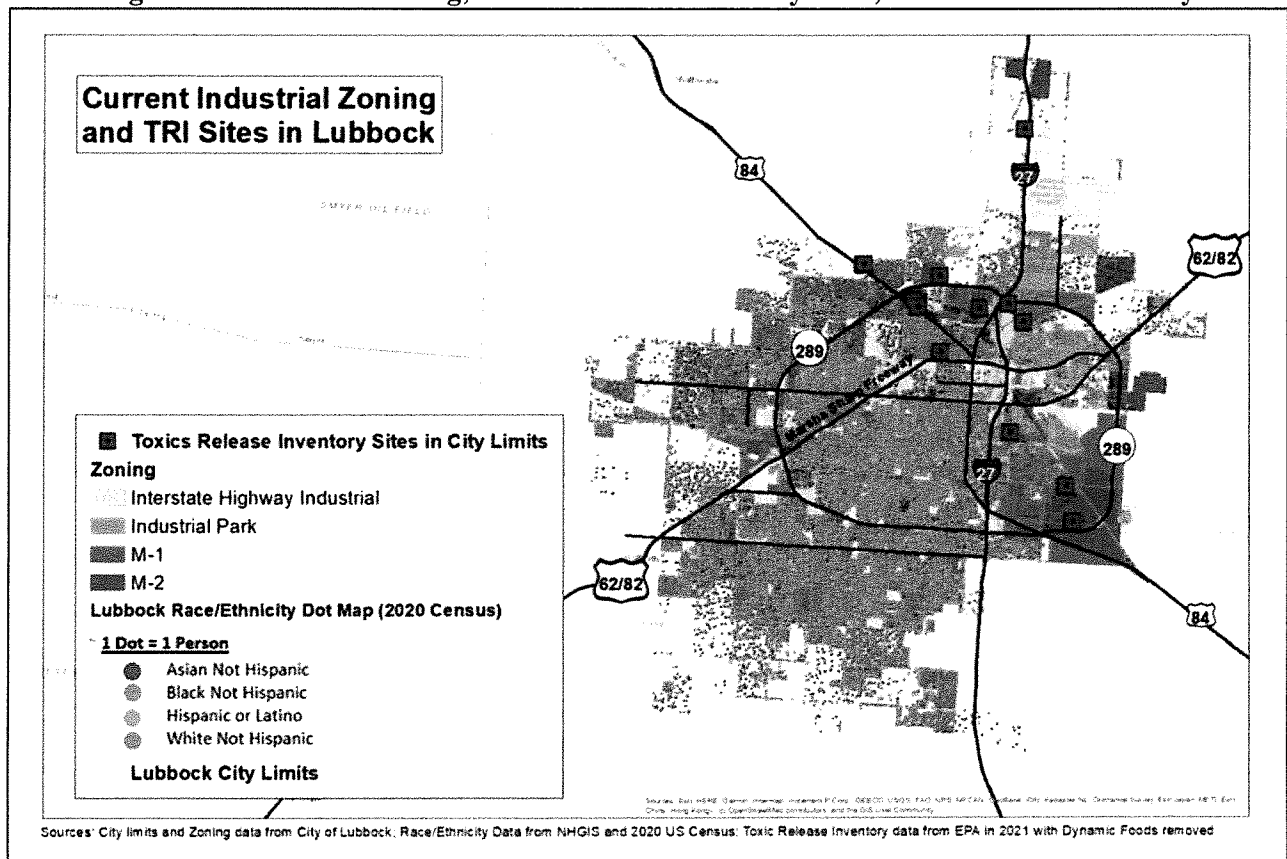
⁶⁶ 1986 PLAN, *supra* note 61.

B. Lubbock's current zoning system discriminates against Black and Hispanic residents

The 2040 Plan and the UDC reinforce past practices to disproportionately burden Black and Hispanic residents by concentrating industrial zoning in the east and north sides. This section will outline these disparities through maps and statistics. Although the 2040 Plan's Future Land Use Map ("FLUM") recommended limited downzoning in North Lubbock neighborhoods, the city has taken no action to follow through with these recommendations. City actions taken since the passage of the 2040 Plan have, in fact, expanded industrial zoning in East Lubbock, contradicting firm recommendations against expansion in the 2040 Plan.

The following maps show the impact of industrial zoning on communities of color. Figure 7, below, shows Interstate Highway Industrial, Industrial Park, M-1, and M-2 zoning over a race and ethnicity dot map of Lubbock. Figure 8, on the following page, shows a close-up view of East and North Lubbock neighborhoods. Both maps show that the vast majority of all industrial zoning in the city is in the north and east sides. There is a small section of industrial zoning in the southwestern part of the city at the intersection of the West Loop and Marsha Sharp Freeway. However, the 2040 FLUM recommends removal of all of the industrial zoning in the southwest side that is within the city limits.⁶⁷ These maps also show the location of Toxics Release Inventory ("TRI") sites within city limits. TRI sites must annually report to the EPA because they release dangerous chemicals into the air, land, or water.⁶⁸ There are no TRI sites in southwest Lubbock, while North and East Lubbock have over a dozen.

Figure 7: Industrial Zoning, Toxics Release Inventory Sites, and Race and Ethnicity



⁶⁷ 2040 PLAN, *supra* note 6, at 51.

⁶⁸ *What is the Toxics Release Inventory?*, U.S. ENV'T PROTECTION AGENCY (July 13, 2022), <https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory>.

Figure 8: Close Up View of Industrial Zoning in North and East Lubbock

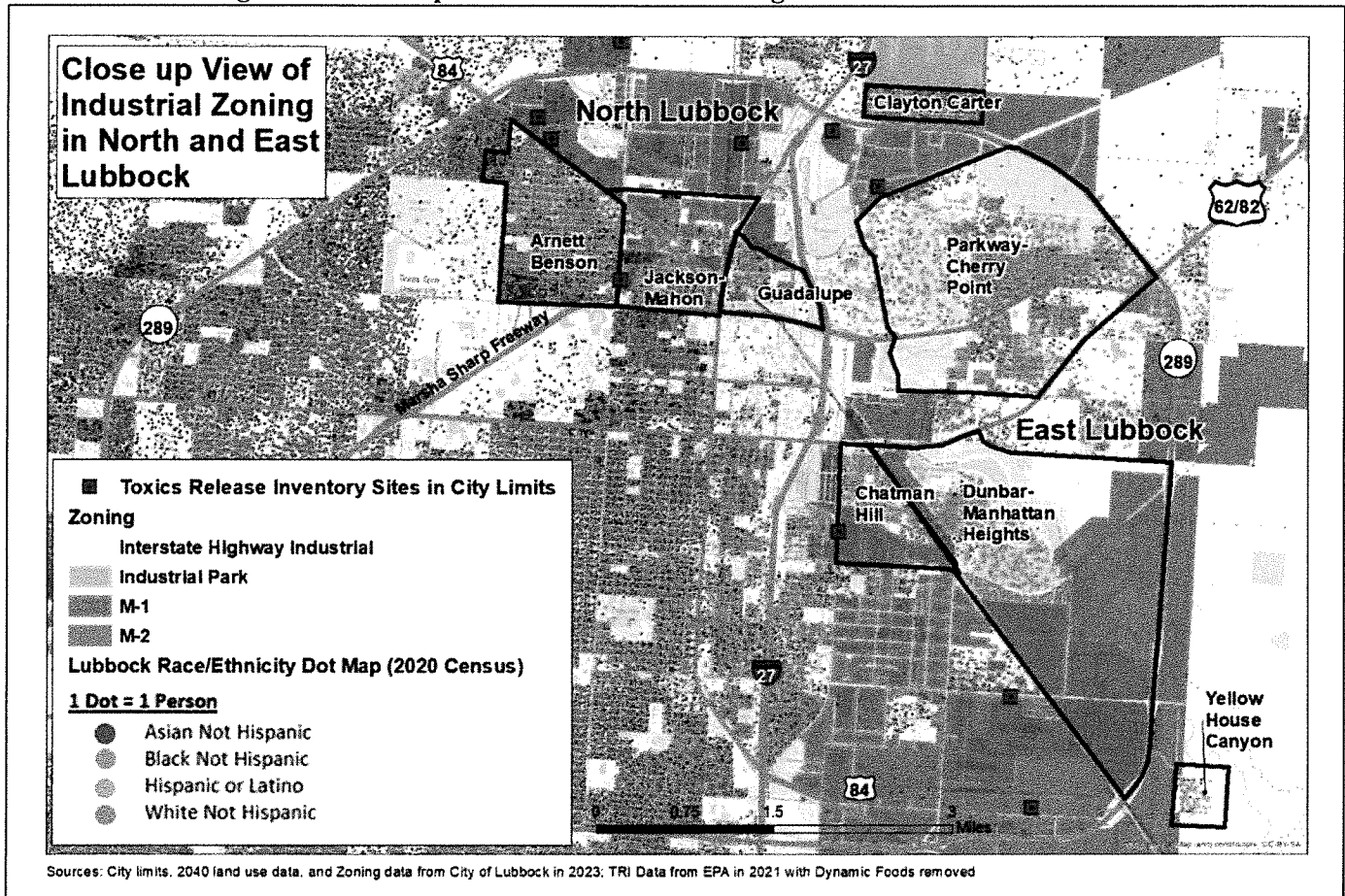


Figure 9, on the following page, shows the location of M-2 zoning in relation to racial and ethnic concentrations. M-2 or “Heavy Manufacturing” is the zoning classification that allows the most intensive and potentially dangerous industrial uses.⁶⁹ At present, nearly all of the M-2 zoning is in the north and east sides near majority Hispanic and Black neighborhoods with the exception of a small sliver served by the Lubbock and West Texas Railway. However, this small sliver of M-2 in the southwest side does not have the same harmful uses as M-2 in the north and east sides. No TRI sites are located in the M-2 zoning districts in the southwest sides. Furthermore, the 2040 Plan FLUM, as seen in Figure 10, recommends removal of industrial land uses in the southwest area

⁶⁹ See *supra* note 4. M-2 zoning is now classified as GI or “General Industrial” under the UDC.

Figure 9: The Race and Ethnicity of People Living within One Mile of M-2 Zoning

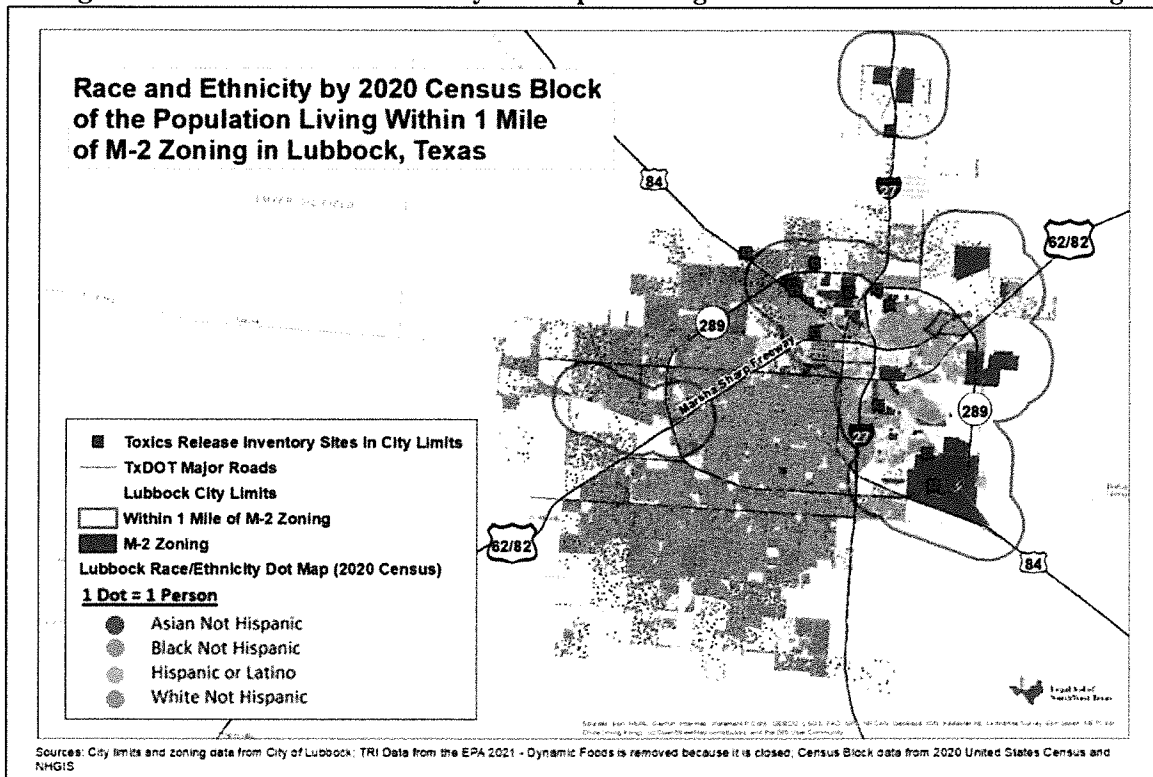
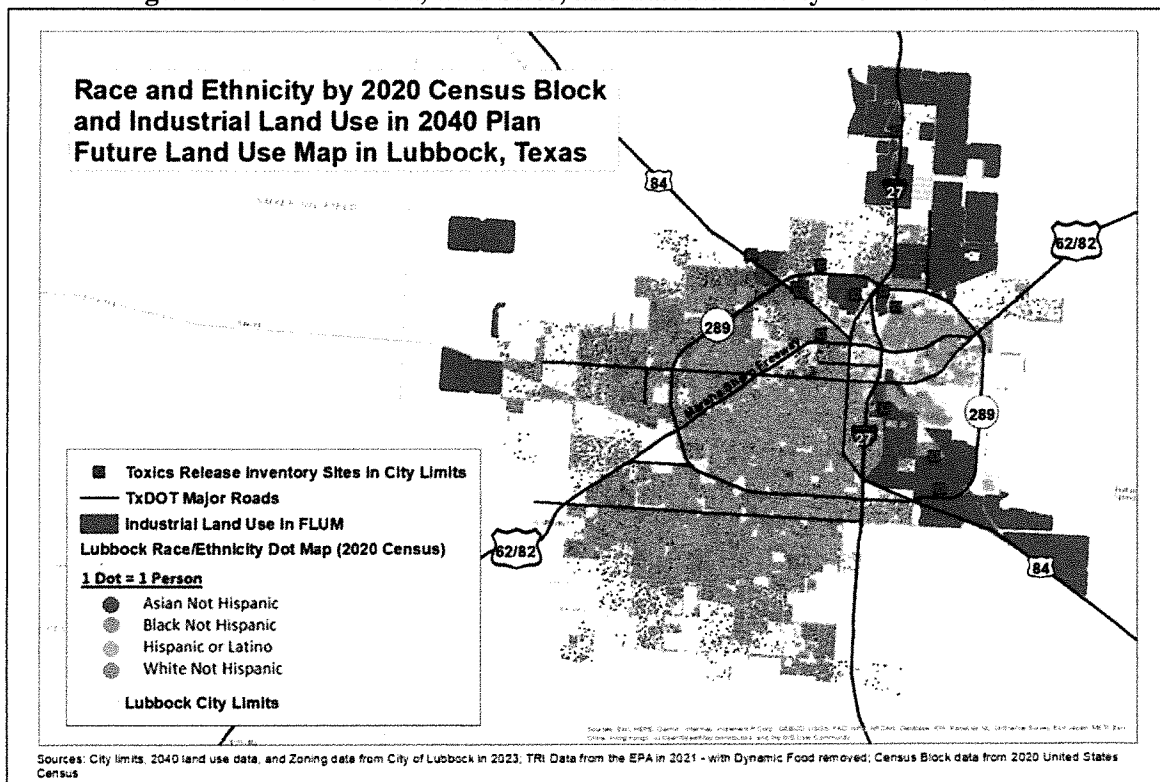


Figure 10: 2040 FLUM, TRI Sites, and Race/Ethnicity from 2020 Census



1. The 2040 Plan

In 2017, to prepare for a massive zoning code rewrite (the UDC), the City of Lubbock began creating a new comprehensive plan, PlanLubbock 2040, better known as the 2040 Plan.⁷⁰ The Texas Zoning Enabling Act, codified in the Texas Local Government Code, requires cities to adopt their zoning regulations in accordance with a comprehensive plan.⁷¹ In other words, before Lubbock could rewrite its zoning codes and change its zoning map, Texas law required it to update its comprehensive plan. After nearly two years of work, the City Council passed the 2040 Plan on December 17, 2018.⁷² State law also requires that all zoning decisions made since that time, including zoning changes made at the request of property owners, take the 2040 Plan into consideration. This section on the 2040 Plan will describe opposition to the 2040 Plan from citizens of East and North Lubbock, the half-hearted attempts by the City to answer the demands of these citizens, and the ultimate failure of the City to live up to its promises of relief from additional industrial concentration. It will also describe how the 2040 Plan will continue to perpetuate zoning discrimination if the City does not alter the FLUM to eliminate all industrial zoning next to residential areas.

Citizens of East and North Lubbock realized that the 2040 Plan presented a once-in-a-generation opportunity for the City to address the racist land use decisions of the past and take steps to mitigate the current inequities those decisions cause. Hundreds of North and East Lubbock residents voiced their demands for fair treatment at town halls and city council meetings leading up to the 2040 Plan's passage.⁷³ In addition to offering many public comments and lobbying their representatives, Lubbock citizens from the east and north sides presented approximately 250 petition cards to P&Z and City Council. These petition cards supported changes to the FLUM that would remove industrial zoning from their neighborhoods.⁷⁴ Residents also sought legal assistance. The Alliance of East Lubbock Neighborhood Associations, represented by Legal Aid of NorthWest Texas, presented a public comment to the Comprehensive Plan Advisory Committee supporting no further construction of industrial facilities next to neighborhoods.⁷⁵

The final draft of the 2040 Plan responded to these concerns by creating a special section on East Lubbock,⁷⁶ recommending the establishment of a neighborhood-planning program⁷⁷, and recommending limited downzoning around North Lubbock neighborhoods. Despite the downzoning recommendations, the 2040 Plan left in place most of the industrial zoning in East and North Lubbock. Figure 10 shows that the 2040 FLUM will still disproportionately affect Hispanic and Black residents. Recent City actions, including the significant

⁷⁰ 2040 PLAN, *supra* note 6.

⁷¹ TEX. LOC. GOV'T § 211.004 (1997).

⁷² 2040 PLAN, *supra* note 6, at 1.

⁷³ Matt Dotray, *North and East Lubbock residents share concerns of living near environmental hazards*, LUBB. AVALANCHE-JOURNAL (October 16, 2018), <https://www.lubbockonline.com/story/news/2018/10/17/north-and-east-lubbock-residents-share-concerns-of-living-near-environmental-hazards/9536949007/>. See also Sarah Self-Walbrick, *East, North Lubbock residents, advocates file HUD complaint against city*, LUBB. AVALANCHE-JOURNAL (Dec. 9, 2019), <https://www.lubbockonline.com/story/business/2019/12/09/east-north-lubbock-residents-advocates-file-hud-complaint-against-city/2119488007/>. See also *Lubbock NAACP Branch #6198 and Texas Housers v. Lubbock* at 14-17, Department of Housing and Urban Development Fair Housing Complaint (Dec. 9, 2019), https://www.texasappleseed.org/sites/default/files/Lubbock%20Fair%20Housing%20Complaint_12-9-2019.pdf (The fair housing complaint filed by the Lubbock NAACP and Texas Housers has a detailed history of community activism leading up the passage of the 2040 Plan.).

⁷⁴ 2040 PLAN, *supra* note 6, Appendix 4 at 277-78.

⁷⁵ *Id.* Appendix 5 at 280-83.

⁷⁶ *Id.* at 180.

⁷⁷ The neighborhood planning program is currently ongoing. The City hired a neighborhood planner and consultant and selected Dunbar Manhattan Heights and the Jackson and Mahon neighborhoods as the first neighborhoods for planning efforts. Although the plans may recommend rezoning, it is unclear if City Council will follow through. See <https://ci.lubbock.tx.us/departments/planning/neighborhoods/neighborhood-plans>.

expansion of the amount of M-2 zoning in East Lubbock for the Leprino Foods cheese factory (discussed below), also reveal that the 2040 Plan's commitment to stop expanding industrial land uses next to East and North Lubbock neighborhoods was an empty promise.

Figure 11: The FLUM and the Current Zoning Map

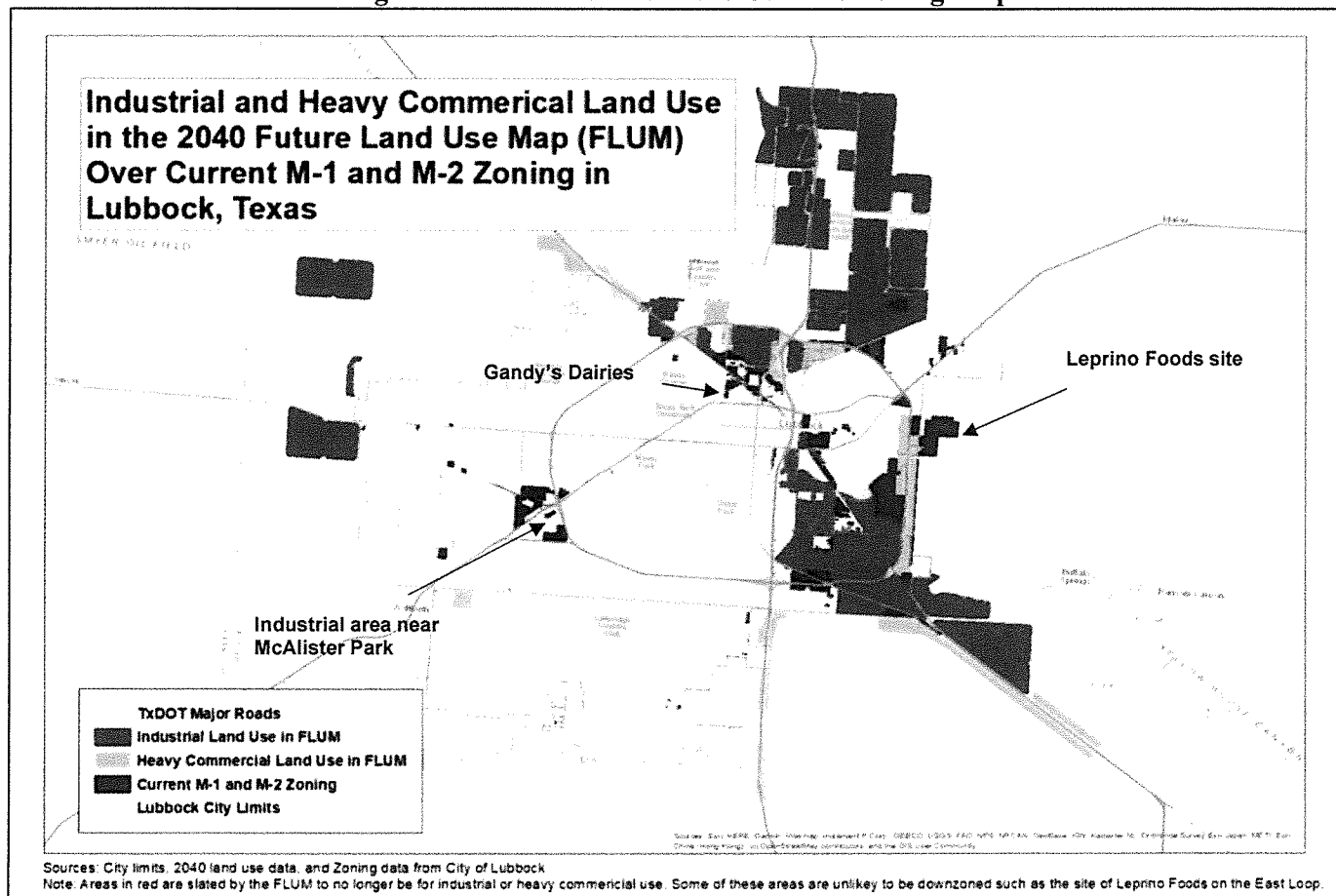


Figure 11, above, shows that the FLUM recommends rezoning several industrial areas to less intensive uses including in North and East Lubbock. If future zoning decisions reflect the FLUM in accordance with state law, it should closely mirror the City's zoning map in the year 2040. Figure 11 layers land that the FLUM identifies as Industrial (shaded dark purple) and Heavy Commercial (shaded light purple) on top of land currently zoned as M-1 and M-2 (shaded red). The visibly red areas are areas that are currently zoned M-1 or M-2 that are not designated as Industrial or Heavy Commercial in the 2040 Plan. The 2040 Plan recommended that some of the areas shaded red be downzoned by 2040. Other areas shaded red are areas where the City has upzoned land to M-1 or M-2 in defiance of the 2040 Plan's recommendation. In 2021, the City significantly expanded industrial zoning in the east side to accommodate the arrival of the 258-acre Leprino Foods compound. The city annexed 407.3 acres of agricultural land⁷⁸ in East Lubbock and rezoned it to M-2 (Heavy Manufacturing Zoning).⁷⁹ As

⁷⁸ Lubbock, Tex., Ordinance 2021-O0093 (Aug. 10, 2021), <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=1100283&dbid=5&repo=Lubbock>.

⁷⁹ Lubbock, Tex., Ordinance 2021-O0142 (Oct. 12, 2021), <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=1135207&dbid=5&repo=Lubbock>.

shown in Figure 12, on the following page, this was the single largest rezoning of land to M-2 since 1979.⁸⁰ The 2040 FLUM recommended that this area remain residential.

Although the 2040 Plan's FLUM recommended that the City remove some industrial areas in North and East Lubbock by 2040, it is highly unlikely that the City will downzone the industrial areas in North Lubbock along University where Gandy's Dairies and Wilbert Funeral Services are currently located. This area is labeled "Gandy's Dairies" in Figure 11. The 2040 Plan acknowledged that "incompatible nonresidential land uses" are one of the four major challenges to further developing East Lubbock for residential use,⁸¹ but the City continues to expand these incompatible uses at the expense of residential and commercial development in East and North Lubbock and took no actions to rezone industrial areas during the UDC process.

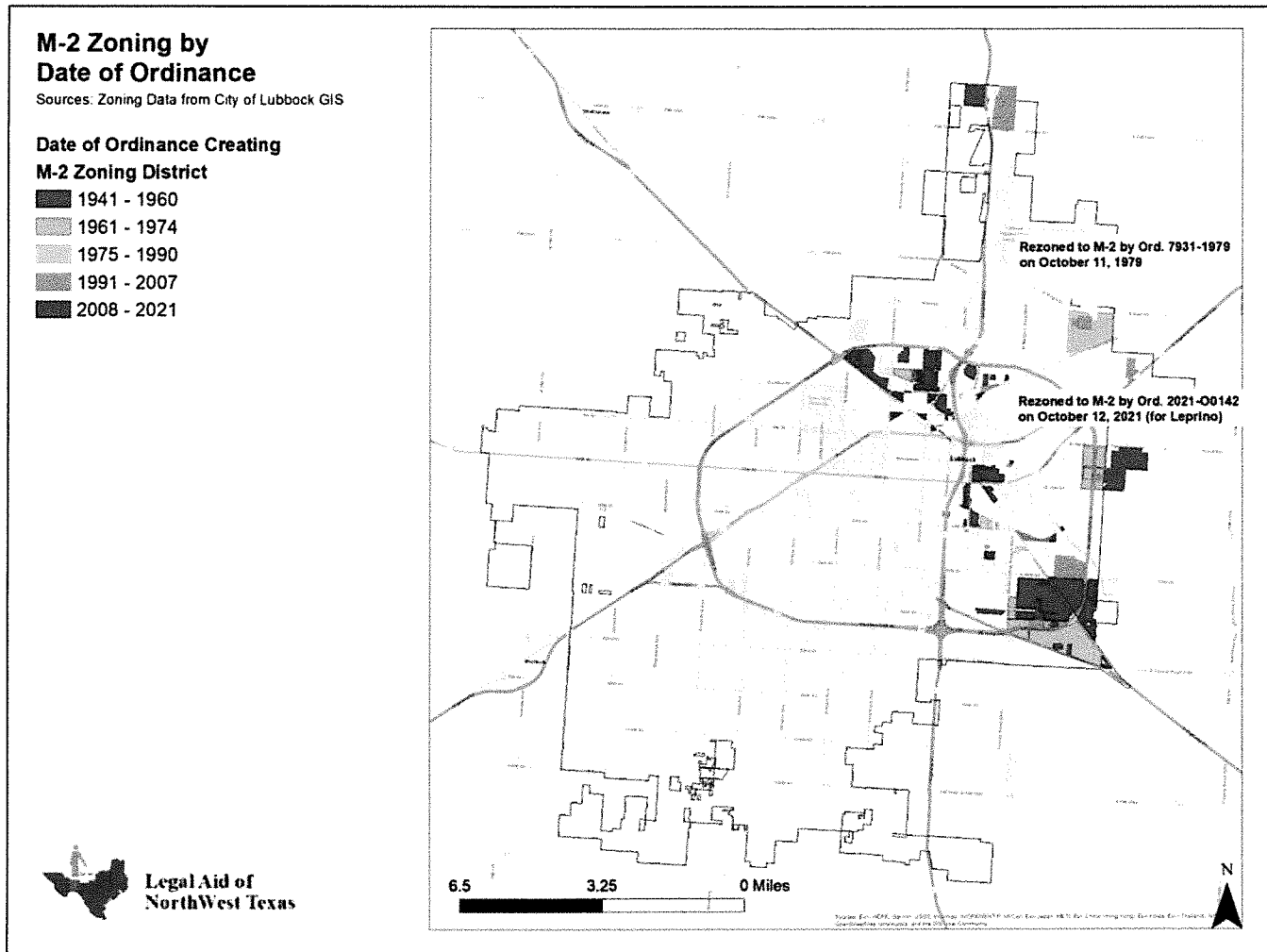
On the other hand, the City has taken action to encourage recommended downzoning in South Lubbock near McAlister Park, an area that is predominantly White. The 2040 Plan recommends downzoning a substantial portion of M-1 zoning to commercial in South Lubbock around the vicinity of the newly constructed McAlister Park at the intersection of the Marsha Sharpe Freeway, Spur 327, and the South Loop. This area has been zoned M-1 since the 1950s and is located along the West Texas and Lubbock Railway. However, the area has never had the same industrial character as similarly situated industrial areas in North and East Lubbock. In fact, big box stores including Target and Office Depot and chain restaurants such as Cracker Barrel characterize the area's current land use. In addition to encouraging more positive commercial development and land uses in this majority White area, the City has also earmarked \$1.5 million in ARPA funds to build a \$1.8 million pickle ball facility in McAlister Park.⁸²

⁸⁰ Lubbock, Tex., Ordinance 7931-1979 (Oct. 11, 1979).
<https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=305152&dbid=5&repo=Lubbock>.

⁸¹ 2040 PLAN, *supra* note 6, at 180.

⁸² Alex Diggers, *A big dill: Lubbock one step closer to building \$1.8M pickleball complex*, LUBB. AVALANCHE-JOURNAL (May 10, 2022), <https://www.lubbockonline.com/story/news/2022/05/10/lubbock-one-step-closer-building-1-8-m-pickleball-complex/9573729002/>.

Figure 12: M-2 Zoning by Date of Ordinance



As mentioned above, the FLUM and the UDC create a new zoning designation called “Heavy Commercial.”⁸³ Although the FLUM recommends that some industrial areas in East and North Lubbock be downzoned to Heavy Commercial, it is unclear if this will provide any meaningful relief for nearby residents. Heavy Commercial allows intensive uses incompatible with residential development including, “light manufacturing” and the extensive outdoor storage of material and equipment.⁸⁴ The UDC acknowledges that the district “should be located away from residential development, or, if unavoidable, should be heavily buffered.”⁸⁵ The vast majority of Heavy Commercial zoning is in North and East Lubbock.⁸⁶ Removing Heavy Commercial areas next to neighborhoods in the FLUM and the Zoning Map would alleviate future conflicts between residents and businesses.

⁸³ Unified Development Code, LUBBOCK, TEX., CODE OF ORDINANCES § 39.02.006.d. (May 9, 2023), <https://online.encodeplus.com/regs/lubbock-tx/doc-viewer.aspx#secid-1620> (Effective: Oct. 1, 2023) [hereinafter “UDC”].

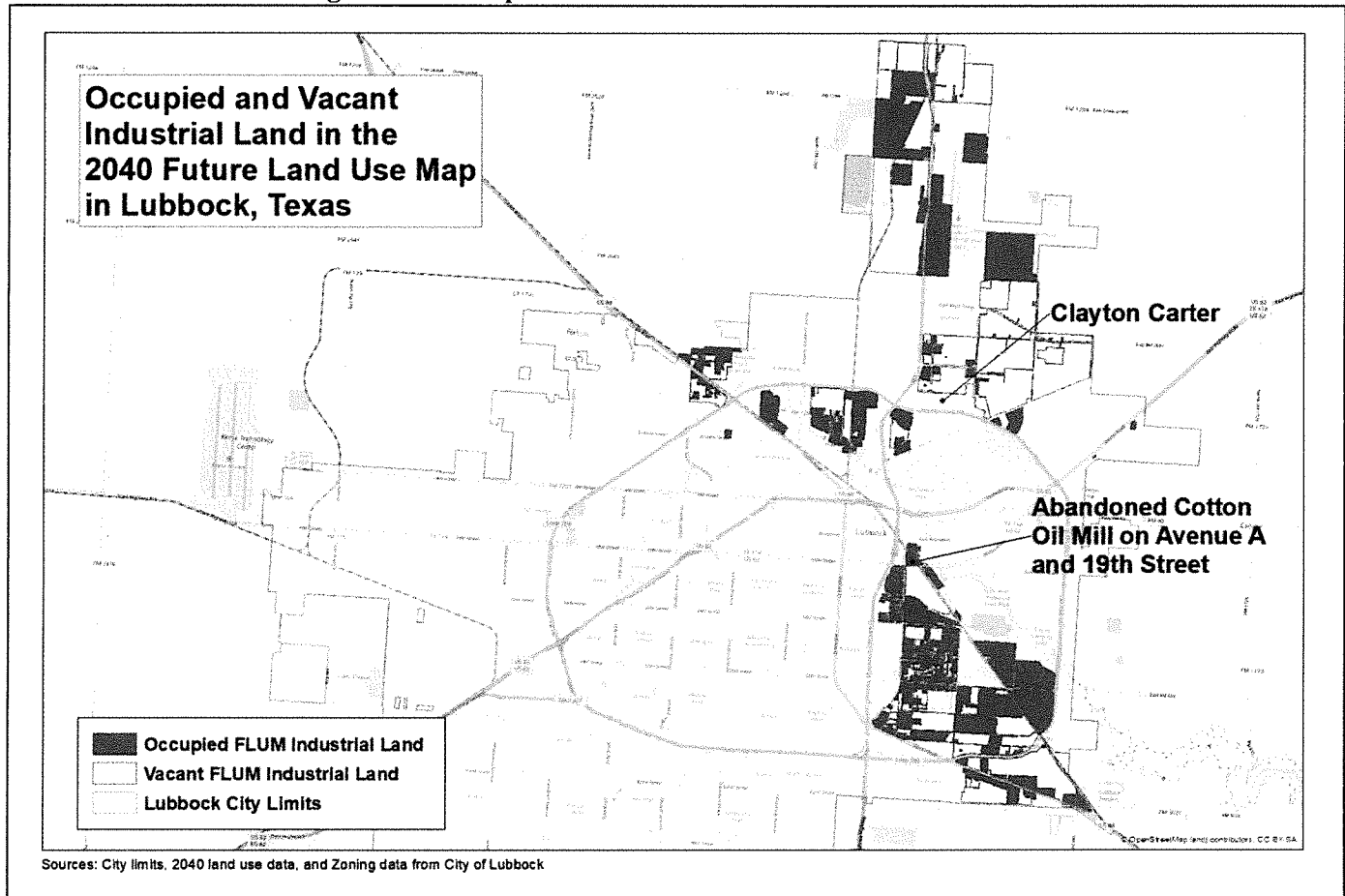
⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ UDC Adopted Zoning Map (May 9, 2023), <https://cityoflubbock.maps.arcgis.com/apps/webappviewer/index.html?id=d774db4242094f0fa7ba8c64e9e3328a>.

Figure 13 below shows occupied and vacant land that the City has designated for industry in the FLUM. Yellow-shaded areas are parcels that the City has determined are vacant, and areas shaded purple represents currently occupied land. Some of these areas are close to neighborhoods, such as the area just north of the Clayton Carter neighborhood as seen below. There are also properties that are not listed as vacant in Figure 13 but are not being used for an industrial purpose. A good example of this is the site of the old cotton mill on the northeast corner of 19th Street and Avenue A. This property borders the Chatman Hill neighborhood, which is already inundated with industry. Both types of property could have been classified as a lower zoning designation in the FLUM or could be reclassified during the ongoing neighborhood plan process. Advocates, including members of NELC, have pushed the City to address these concerns.

Figure 13: Occupied and Vacant Industrial Land in the FLUM



2. The new Zoning Map and the Unified Development Code

After a nearly four-year process, the City Council passed the City's new zoning regime, the Unified Development Code and a new Zoning Map on May 9, 2023.⁸⁷ Although the UDC contains major changes to Lubbock zoning code, it does next to nothing to mitigate the discriminatory impact of Lubbock's zoning system.⁸⁸

⁸⁷ Lubbock, TEX., ORDINANCE 2023-O0054 (May 9, 2023)
<https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=2329037&dbid=5&repo=Lubbock>.

⁸⁸ See *supra* Figures 7-9; see also UDC Adopted Zoning Map, *supra* note 86.

The ordinance's new Zoning Map renames the industrial zoning districts but leaves the boundaries of the districts in place. In other words, the names changed, but the districts stayed the same. Figure 9 (page 23) shows, 57% of Lubbock's Black, non-Hispanic residents and 38% of Lubbock's Hispanic residents will live within one mile of General Industrial (previously known as M-2) zoning under the UDC's zoning regime. In contrast, only 17% of Lubbock's White, non-Hispanic ("White") population lives within the same bounds. According to calculations made using data from the 2020 United States Census, 77,400 people live in census blocks located within one mile of General Industrial Zoning; 72% of these people are people of color (55,887 people).

From start to finish, residents pushed the City to use the zoning code rewrite as an opportunity to create a fairer zoning system for North and East Lubbock. Despite this sustained advocacy by residents and their allies, the City chose to continue down the same path it started in 1923.

a. Residents asked City leaders to address discriminatory zoning from the start of the UDC drafting process

The City began working on the UDC soon after the 2040 Plan was complete. In July of 2019, City Council announced that it had hired Kendig Keast Collaborative as the City's consultant on the UDC project.⁸⁹ From the start, City leaders and Kendig Keast were well aware that north and east side residents wanted the UDC to protect them from further encroachment of industrial activity and include a process to remove industrial zoning near neighborhoods. Not only had residents intensely lobbied the City for zoning reform during the 2040 process, in December of 2019, the Lubbock Chapter of the NAACP filed a fair housing complaint with HUD regarding the Lubbock's racist zoning system.⁹⁰ Although the COVID-19 pandemic complicated UDC drafting process, North and East Lubbock residents and allies repeatedly lobbied then-Mayor Pope and the City Council to address the concentration of industrial zoning in East and North Lubbock in the UDC.

At a "Coffee with the Mayor" event held in East Lubbock on June 17, 2020, Ms. Natalie Miller, an East Lubbock resident and member of NELC, asked Mayor Dan Pope to address disparities in East Lubbock including "issues we face every single day with pollution, with industries, with lack of schooling, with our roadways, lack of businesses, lack of banks."⁹¹ The Mayor responded to her complaints saying that he thought many East Lubbock residents would disagree with her characterizations of East Lubbock.

Another resident⁹² asked Mayor Pope about racial segregation in Lubbock: "When we say East Lubbock, we know we are talking about the Black community. When we say North Lubbock, we know [we] are talking about the Hispanic community. So you sir, in 2020, are the mayor of a segregated city. What are you going to do [to] fix that problem right now?"⁹³ Mayor Pope responded by denying the existence of the problem: "I don't think I'm the mayor of a segregated city. I think that's a difference of opinion."⁹⁴

⁸⁹ City of Lubbock, *Special Joint City Council and Planning & Zoning Meeting July 25, 2019*, YOUTUBE (Jul. 25, 2019), <https://www.youtube.com/watch?v=P5uFkKTYIME>.

⁹⁰ *Lubbock NAACP Branch #6198 and Texas Housers v. Lubbock*, Department of Housing and Urban Development Fair Housing Complaint (Dec. 9, 2019), https://www.texasappleseed.org/sites/default/files/Lubbock%20Fair%20Housing%20Complaint_12-9-2019.pdf. The DOJ dismissed this complaint in June of 2020 for lack of jurisdiction.

⁹¹ Sarah Self-Walbrick, *Citizens frustrated after Lubbock "Disparity Report," Coffee with the Mayor*, KTTZ (Jun. 17, 2020), <https://radio.kttz.org/news/2020-06-17/citizens-frustrated-after-lubbock-disparity-report-coffee-with-the-mayor>.

⁹² See *id.* This resident's name is not listed in the article.

⁹³ *Frustration in East Lubbock, Coffee with the Mayor Wednesday morning becomes heated at times*, KLBK (Jun. 17, 2020), <https://www.everythinglubbock.com/news/local-news/frustration-in-east-lubbock-coffee-with-the-mayor-wednesday-morning-becomes-heated-at-times/>.

⁹⁴ *Id.*

At a Joint Meeting of P&Z and City Council specifically about the UDC on March 25, 2021, John Zwiecher, Chair of the Comprehensive Plan Oversight Committee (“CPOC”)⁹⁵, a City-appointed committee tasked with overseeing the completion of the 2040 Plan’s objectives, emphasized the need for City Council to address the issue of industrial encroachment. Zwiecher urged the City to address “zoning in East Lubbock . . . particularly in the areas in East Lubbock where the neighborhoods are butt up against industrial . . . It’s a detriment to the neighborhoods that are existing there.”⁹⁶ Residents echoed Zwiecher’s plea.

b. The City ignored residents’ demands to include amortization provision in UDC to remove industry near neighborhoods

Residents not only wanted to make sure that industrial areas around their neighborhoods could be rezoned for a lighter use, they also wanted to make sure that the resulting nonconforming or grandfathered industrial uses could be eventually terminated and removed from their neighborhoods. Residents lobbied the City to include an “amortization” provision in the UDC allowing for termination of nonconforming uses that harm neighborhoods.

Amortization is a city-led process for stopping incompatible nonconforming uses from operating in a rezoned area.⁹⁷ It is most often used to stop harmful or nuisance-causing land uses in areas close to neighborhoods, schools, or other places where the health, safety, and enjoyment of residents is especially sensitive. When setting a timeframe for a property to come into compliance with new zoning rules, the City Council and a zoning board will typically consider several factors such as the hazards and harms caused by unharmonious uses, the character of the surrounding neighborhood, and the amount of time needed for property owners to recoup their investment. Depending on these factors, the compliance timeframe can be almost immediate or take many years. Once that period expires, the property must conform to the new zoning rules and the nonconforming use terminates.

At another Joint City Council Meeting with the P&Z discussing the UDC on August 26, 2021, advocates, including NELC’s Ms. Dora Cortez, lobbied both City Council and P&Z to rezone and include an amortization provision in the UDC.⁹⁸ In her public comment, she noted other cities that had adopted amortization ordinances. When Ms. Natalie Miller and Ms. Cortez had previously spoken to Mayor Pope about this, he was not in favor of amortization because he viewed the issue “through the lens of a business owner,” despite his assertion that he did not want to see new industrial businesses open in North and East Lubbock.⁹⁹ In an interview with KTTZ, the local NPR affiliate, Mr. Pope claimed that he had not “found examples of amortization working well.”¹⁰⁰ Ironically, one of the pivotal Texas cases supporting amortization is a Lubbock case in which a sign company sued the City for its ordinance requiring nonconforming signs and billboards to come into compliance with new zoning rules

⁹⁵ City of Lubbock, *Comprehensive Plan Oversight Committee*, LUBBOCKTX.GRANICUS.COM/BOARDS, <https://lubbocktx.granicus.com/boards/w/ae8ff34c203b34a5/boards/31981>.

⁹⁶ City of Lubbock, *Joint Planning & Zoning/City Council Meeting 3.25.2021* YOUTUBE (Mar. 25, 2021), <https://youtu.be/kI8ICJT0tAY> (timestamp at 29:50).

⁹⁷ Several cities in Texas have amortization provisions for nonconforming uses including, but not limited to: Dallas (DALLAS, TEX. CODE OF ORDINANCES, §. 51A-4.704(a)(1)); Denton (DENTON, TEX. CODE OF ORDINANCES § 1.5.8) McKinney (MCKINNEY, TEX. CODE OF ORDINANCES § 146-40(g)); Midland (MIDLAND, TEX. CODE OF ORDINANCES § 7.03(B)); Odessa (ODESSA, TEX. CODE OF ORDINANCES § 14-15-1(d)); *see also* SB 929, 88th Reg. Sess. (Tex. 2023).

⁹⁸ City of Lubbock, *Special City Council Meeting: 8.26.21*, YOUTUBE, (Aug. 26, 2021), <https://www.youtube.com/watch?v=nsX03qFENfw&t=156s> (timestamp at 8:15).

⁹⁹ Sarah Self-Walbrick, *Land Use Plan Next Step for Equity, Advocates Say*, KTTZ (Jun. 30, 2021), <https://radio.kttz.org/news/2021-06-30/beyond-the-report-land-use-plan-next-step-for-equity-advocates-say>.

¹⁰⁰ *Id.*

within a certain amount of time.¹⁰¹ The court upheld the Lubbock ordinance reasoning that amortization was a “valid exercise of municipal police power to terminate nonconforming property uses.”¹⁰²

Another resident¹⁰³ lobbied for the inclusion of an amortization ordinance and criticized the council for not giving it adequate consideration.¹⁰⁴ The resident was frustrated because City staff had told the CPOC that considering amortization was not within its jurisdiction despite repeated requests from members, especially the representatives of North and East Lubbock, to investigate the matter further.¹⁰⁵ He also criticized the council and staff for not allowing the CPOC to consider amortization during its proceedings.¹⁰⁶ In his comments the advocate explained amortization and pointed out why it was certainly something within the purview of the UDC and the 2040 Plan.¹⁰⁷ He added that the council and staff owed the CPOC members an apology for not allowing it to consider amortization as a way to reduce the concentration of industry in North and East Lubbock.¹⁰⁸

Less than two months later, Mayor Pope and the rest of City Council disregarded the residents’ requests to de-industrialize the North and East sides and voted to annex 407 acres of land in East Lubbock for the massive Leprino Foods complex.¹⁰⁹ Two months after that, Mayor Pope voted to rezone the 407 acres to M-2 in defiance of the 2040 Plan¹¹⁰ – this was the largest rezoning of land to M-2 since 1979.¹¹¹

c. The City ignored citizens’ calls to address environmental justice issues

In October of 2021, the City Council honored a budget request from the Planning Department for an allocation of \$75,000 to hire a consultant to do a zoning map analysis to “compare existing land uses, current zoning designations, and the FLUM to help guide future land use decisions.”¹¹² The expected start date for the project was April 1, 2022 and the expected completion date was October 12, 2022.¹¹³ The City never issued a Request for Qualifications (RFQ) for the project. The City then repeated the project in the FY 2022–23 Budget.¹¹⁴ To date, the City has not issued an RFQ for the project. Even if the City were to issue an RFQ, the City’s commitment to downzoning industrial facilities in East and North Lubbock is questionable due to the City’s massive upzoning of land in East Lubbock for Leprino Foods at the same time.

In April of 2022, there were a series of community meetings on the UDC hosted by Bryan Isham, the Director of Planning at that time. Mr. Isham made no commitments to address environmental injustices and zoning

¹⁰¹ *Lubbock Poster Co. v. City of Lubbock*, 569 S.W.2d 935 (Tex. Civ. App. 1978), *writ refused* NRE (Jan. 17, 1979), *cert. denied*, 444 U.S. 833 (1979).

¹⁰² *Id.* at 138.

¹⁰³ This resident’s name has been omitted for privacy.

¹⁰⁴ *Special City Council Meeting: 8.26.21*, *supra* note 98 (timestamp at 0.00).

¹⁰⁵ *Id.*, *supra* note 102

¹⁰⁶ *Id.* (timestamp at 2.17) (resident stating that the City owes CPOC an apology for undermining them).

¹⁰⁷ *See id.* (timestamp at 0.17–0.54).

¹⁰⁸ *Special City Council Meeting: 8.26.21*, *supra* note 98 (timestamp at 2.17).

¹⁰⁹ *See* Lubbock, Tex., Ordinance 2021-O0093, *supra* note 78.

¹¹⁰ *See* Lubbock, Tex., Ordinance 2012-O0142, *supra* note 79.

¹¹¹ *See* Lubbock, Tex., Ordinance 7931-1979, *supra* note 80 and Figure 12.

¹¹² CITY OF LUBBOCK, FY 2021-22 OPERATING BUDGET AND CAPITAL PROGRAM at 216 (Oct. 1, 2021), <https://ci.lubbock.tx.us/storage/images/uPlvjjuizIxESWCfV6XVbOrZUYerc6VG9m63xN041.pdf>.

¹¹³ *Id.*

¹¹⁴ *See* CITY OF LUBBOCK, FY 2022-23 OPERATING BUDGET AND CAPITAL PROGRAM at 224, (Oct. 1, 2022), <https://ci.lubbock.tx.us/storage/images/IIInkTiTPiDjh5LMr3qtBpZNMNUfpwrOczVngNbMC.pdf>.

discrimination in the UDC. Soon after those meetings, Mr. Isham left his position and was replaced by Kristen Sager.¹¹⁵ Little public activity occurred related to the UDC until early 2023.

When it seemed certain that the City would not use the UDC to take steps to remedy zoning discrimination in Lubbock, Ms. Cortez, Ms. Miller, and others formed NELC continue to address the issue. Through representation by LANWT, NELC sent a demand letter to the City on December 20, 2022 requesting that the City downzone industrial areas next to neighborhoods and take other measures to address environmental injustices in East and North Lubbock. The demands requested in the letter closely mirror the remedies requested in this complaint.

In response to the letter, the City—through its legal representation—asked for additional time to consider its contents, which NELC granted as a showing of good faith so that the City would have time to seriously consider the issues outlined in the letter and work towards a solution. After meeting in Executive Session about the letter’s contents on January 10, 2023, City Council communicated to NELC through counsel that it would take no action on the letter at the time, stating, “there is no further action to be taken in response to the demands set forth in the letter.”¹¹⁶

d. The City Council and P&Z begin the process of passing the UDC and residents renew calls for zoning fairness

On March 22, 2023, the City scheduled a joint public hearing with City Council and P&Z to begin the process of passing the UDC. Several East and North Lubbock residents and allies attended this meeting and repeated their requests for zoning fairness.¹¹⁷ Following the March 22 joint meeting, P&Z would have two more meetings to consider the UDC before approving a draft and making additional recommendation to council. At these meetings, advocates, including members of NELC, gave public comments and provided information to the City pushing for amortization and rezoning. As before, their requests would not result in tangible changes to policy.

At the next P&Z meeting on April 3, 2023, advocates again asked that the City stop adding industries near North and East Lubbock neighborhoods, add an amortization ordinance, and begin rezoning industrial land near neighborhoods starting with abandoned properties.¹¹⁸ Again, P&Z ignored these requests.

Following the P&Z meetings, City Council approved the UDC in two meetings, approving the version approved by P&Z without making changes. The final product approved by City Council does little to address zoning discrimination and does not incorporate residents’ evidence-based, serious concerns over industrialization in North and East Lubbock.

¹¹⁵ *City of Lubbock names Kristen Sager as new Director of Planning*, KLBK (May 16, 2022)

<https://www.everythinglubbock.com/news/local-news/city-of-lubbock-names-kristen-sager-as-new-director-of-planning/>

¹¹⁶ See CITY OF LUBBOCK, REGULAR CITY COUNCIL MEETING (Jan. 10, 2023),

<https://ci.lubbock.tx.us/storage/images/ZpYUt4xdkcoYPv6PE9gJAZs5MnFXyvUbjG3NWlrg.pdf> (See agenda item 1.1.1); see E-mail from Chad Weaver, City Attorney, City of Lubbock, to Adam Pirtle, LANWT Attorney (Jan. 11, 2023 11:03 AM CST) (on file).

¹¹⁷ CITY OF LUBBOCK, *March 22, 2023 Special City Council Meeting*, SWAGIT (Mar. 22, 2023),

<https://lubbocktx.new.swagit.com/videos/222563> (Comments of citizens opposed to UDC because of zoning discrimination begin at timestamp 1:03:52); see also *No vote on Lubbock unified development code*, KCBD (Mar. 22, 2023),

<https://www.kcbd.com/video/2023/03/22/no-vote-lubbock-unified-development-code/>.

¹¹⁸ CITY OF LUBBOCK, *Apr 03, 2023 Special Planning and Zoning Meeting*, SWAGIT (Apr. 3, 2023) [hereinafter *Apr 03, 2023 Special Planning and Zoning Meeting*], <https://lubbocktx.new.swagit.com/videos/223150> (the testimony of those opposed because of zoning discrimination begins at timestamp at 1:00).

e. P&Z weakens vegetative buffering requirements between industrial and residential uses

Despite requests from community advocates, including members of NELC, the UDC provides no industrial adjacency standards that would guarantee that future industrial uses do not locate next to neighborhoods. The UDC does require the owner of a newly constructed or expanding industrial use to construct vegetative buffers between the disharmonious use and adjacent residential areas but these will only apply to new or reconstructed uses.

In fact, P&Z and City Council took measures to *weaken* existing buffering standards for adjacent industrial and residential uses before passing the final product. P&Z and City Council approved a developer-supported amendment to *eliminate* buffering requirements for residential developers if they build neighborhoods next to industrial facilities.¹¹⁹ Arguing for the amendment, the City Director of Development Services stated that the buffers were not necessary in such developments because residents would be coming to the nuisance (in the Director's words, "somebody's kind of choosing to come to an industrial district as opposed to the other way around").¹²⁰

The City's beliefs, articulated through its Director of Development Services, do not acknowledge the City's history of intentionally placing residential developments for Black and Hispanic neighborhoods near industrial activity. It is highly likely that the neighborhoods constructed next to industrial zoning will be in areas that are already low-income and predominantly populated by people of color based on where the City has placed industrial zoning in its Zoning Map. Further, a resident's "choice" in deciding to live in a home next to an industry likely won't be much of a choice at all. It is much more likely that a person chooses to live next to industry because it is all they can afford rather than out of a desire to "come to an industrial district."

Because of the UDC's rules of construction, Type D Bufferyards, the most intensive bufferyard with the greatest distance between uses and most vegetation required, may never need to be used. Type D Bufferyards are intended for use between residential and industrial land uses. Although UDC Table 39.03.016-1 requires a Type D Bufferyard for a General Industrial use built next to a residential area, Section 39.02.018.g.D. only requires the builder of heavy manufacturing use to build a Type C Bufferyard when abutting residentially zoned or used property.¹²¹ The UDC's rules of construction under Section 39.10.001.o. holds that the text of the UDC controls over tables in cases of inconsistency.¹²²

f. P&Z and City Council approve discriminatory amendment that would drive concrete batch plants into Black and Hispanic neighborhoods

P&Z and City Council also approved a developer-prompted amendment that eliminated an existing requirement that temporary concrete batch plants be placed within a mile of the project site for which they were

¹¹⁹ CITY OF LUBBOCK, *Lubbock United Development Code Public Hearing Draft Amendment List* at 2 (Apr. 3, 2023), <https://ci.lubbock.tx.us/storage/images/FwLEUD6RwjRKua0VL88MOBK6rjJ8Z1VTziX5xkV3.pdf> (See amendment to Table 39.03.016 with the topic "Bufferyard requirement of residential subdivision that locate next to an industrial zoning district") (last visited May 30, 2023) [hereinafter *UDC Public Hearing Draft Amendment List*].

¹²⁰ *Apr 03, 2023 Special Planning and Zoning Meeting*, *supra* note 118 (timestamp 51.30).

¹²¹ UDC, LUBBOCK, TEX., CODE OF ORDINANCES ch. 39. (May 9, 2023), <https://online.encodeplus.com/regs/lubbock-tx/doc-viewer.aspx#secid-1620> (Effective: Oct. 1, 2023). See: Table 39.03-016-2 for differences between Type D and Type C Bufferyards.

¹²² *See id.*

authorized.¹²³ Temporary concrete batch plants are typically constructed to provide concrete materials for a specific project, and therefore must typically be in proximity to that specific construction project. City Council opted to remove the existing one-mile proximity requirement.

The removal of the proximity requirement is significant because it will drive concrete batch plants into lower-income communities of color in the north and east sides. Most of Lubbock's residential development (and need for temporary concrete batch plants) is occurring in the majority White southwest side, and where the City would be likely to heed opposition to concrete batch plants and their negative environmental and health effects. Therefore, the City is unlikely to allow new concrete batch plants to operate within the city limits in Southwest Lubbock's White neighborhoods. Instead, concrete bath plants will likely operate in the north and east sides despite the residents' opposition to industrialization.

g. The City's responsiveness to wealthy, majority White neighborhoods' concern about billboard use stands in stark contrast to its indifference to Black and Hispanic residents' concerns regarding industrial uses in their neighborhoods

The City's treatment of industrial uses in neighborhoods of color is starkly different from how the City deals with undesirable uses negatively affecting aesthetics in majority White neighborhoods. The City is also no stranger to successful amortization procedures and policies, despite what City officials have claimed. For example, City Council passed a sign ordinance in 1975 requiring signs to come into compliance with the zoning code or face removal.¹²⁴ The ordinance made many signs non-conforming upon the effective date of the ordinance. The City required certain signs—those deemed particularly harmful to the community—to come into compliance within a six-month amortization period.¹²⁵ Other signs the City deemed less harmful had a longer compliance period of six-and-a-half years.¹²⁶ The City's previous zoning code allowed billboards in M-1 and M-2 districts.¹²⁷

In the time leading up to the UDC's passage in 2023, the billboard industry lobbied City leaders to expand the limited use of billboards in additional districts including Neighborhood Commercial, Office, Auto-Urban, Heavy Commercial, and Industrial Park. City planners depicted this expansion of uses in Table 39.02.016-1 of the draft UDC.¹²⁸ Despite intense pressure from the billboard industry, the expansion of uses was ultimately not included in the final draft as a result of opposition from a powerful group of wealthy residents who opposed additional billboards. These residents even retained the assistance of former City of Lubbock Planning Director, Jim Bertram, to lobby P&Z and City Council against the expansion.¹²⁹

As a result of advocacy from these wealthy residents, P&Z and the Council ultimately decided to continue to limit billboards to LI (M-1) and GI (M-2) districts, but opted to add the requirement of a specific use permit to the UDC.¹³⁰ P&Z and Council made no changes to the billboard amortization provision in the current zoning

¹²³ *Lubbock United Development Code Public Hearing Draft Amendment List* at 1, *supra* note 119 (See amendment to Section 39.02.019.d.2.C with the topic "Concrete Batch Plant Location Requirements").

¹²⁴ Lubbock, Tex., Ordinance 7084-1975 § 23.6 (Jul. 19, 1975), <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=297508&dbid=5&repo=Lubbock>.

¹²⁵ *See id.*

¹²⁶ *See id.*

¹²⁷ LUBBOCK, TEX., CODE OF ORDINANCES § 40.03.3103(h)(1) (1996).

¹²⁸ *UDC Public Hearing Draft Amendment List* at 1, *supra* note 119 (See amendment to Table 39.02.016-1 with the topic "Billboard permitted districts").

¹²⁹ City of Lubbock, *Apr 13, 2023 Planning and Zoning Special Meeting*, SWAGIT (Apr. 13, 2023), <https://lubbocktx.new.swagit.com/videos/223961> (timestamp at 40:00).

¹³⁰ UDC § 39.03.023.1.2.

code.¹³¹ Under the current zoning code, the owner of a nonconforming sign must come into compliance with the UDC within 6 months of its effective date and has no right to receive compensation.¹³² Although the City continued to support the amortization of signs, City Council did not add amortization for other nonconforming uses to the UDC despite residents' calls.¹³³

Throughout the UDC hearing process, City leadership treated billboards and the concerns of developers differently compared to industrial uses in Black and Hispanic neighborhoods. At the final P&Z Special Meeting on the UDC on April 13, 2023, the P&Z Chair suggested that amortization of nonconforming uses was too difficult an issue for it to be considered with the UDC and recommended that P&Z create a subcommittee to discuss amortization at a later date.¹³⁴ The rest of the committee agreed.¹³⁵

A few minutes later, Chair Sawyer suggested that P&Z also create a subcommittee to make further decisions about billboards as they had with amortization because billboards were also a contentious issue.¹³⁶ Assistant City Attorney Kelli Leisure later reminded the Chair that P&Z would not be able to return to an issue in the UDC later unless City staff or a property owner asked that they do so.¹³⁷ Attorney Leisure did not make clear to P&Z that this admonishment also applied to the P&Z's earlier decision to send the question of amortization to a subcommittee. If Attorney Leisure's explanation of city law is correct, P&Z will not be able to bring up amortization or disharmonious zoning on its own, but will need the support of City staff or a property owner.

Following Chair Sawyer's suggestion to send billboards to a subcommittee, the Vice Chair of P&Z advised the Board not to "subcommittee this thing [billboards] to death."¹³⁸ He did not express a similar concern about amortization when he voted to send that issue to a subcommittee. The final version of UDC makes it harder to build a billboard (an unsightly but non-hazardous use) in industrial zoning than a manufacturing facility that is handling foul or explosive materials. The builder of a billboard must apply for a specific use zoning designation and risk his application being turned down at a public hearing.¹³⁹ In contrast, the builder of a heavy manufacturing facility handling foul or explosive materials needs only to satisfy the terms of a limited use permission under § 39.02.018.g, without having to face the difficulty of applying for a specific use zoning change that would include public scrutiny from P&Z, City Council, and the public.

The development community had tremendous influence over the formation of the UDC, and City staff readily cooperated with them to add their amendments to the document. The P&Z Vice Chair, a developer himself,

¹³¹ UDC § 39.03.025.c.

¹³² *Id.* See also *Lubbock Poster Co. v. City of Lubbock*, 569 S.W.2d 935, Tex.Civ.App.-Amarillo, July 24, 1978, writ refused n.r.e. (Jan 17, 1979) (The court upheld Lubbock's first sign ordinance adopted in 1975. The ordinance required signs to come into compliance with the zoning code or be removed. Certain signs deemed particularly harmful to the community were required to come into compliance within a six-month amortization period following the ordinance's effective date. Others signs were amortized over a six and a half year period and given until January 1, 1982 to come into compliance.).

¹³³ See *supra* note 11 (One day before the passage of the City's passage of the UDC, the Texas House and Senate passed SB 929 that creates a state standard for amortization. Now that the law is effective, the City is preempted from adopting its own amortization ordinance).

¹³⁴ See *Apr 13, 2023 Planning and Zoning Special Meeting*, *supra* note 129 (timestamp 1.07:15).

¹³⁵ See *id.*

¹³⁶ *Id.* (timestamp 1.12:02).

¹³⁷ *Id.* (timestamp 1.14:20).

¹³⁸ *Id.* (timestamp 1:13:00 – 1:14:00).

¹³⁹ UDC, Table 39.02.006.g-1.

acknowledged that the Developer's Council "with staff" had changed the UDC substantially "over the last really six months."¹⁴⁰ The P&Z Board also invited the leaders of the developer's group to speak without time limits to amendments that they presented to P&Z.¹⁴¹ P&Z invited no advocates representing North or East Lubbock neighborhoods to speak about downzoning or amortization. P&Z decided to incorporate almost all the developer's amendments that it had not already adopted at previous meetings into its recommendations to City Council.¹⁴²

In contrast, despite North and East Lubbock citizens repeatedly asking for amortization and zoning reform,¹⁴³ the P&Z decided not to recommend these changes for incorporation in the UDC. Instead, they decided to form a subcommittee of P&Z to discuss these changes later (even though, according to City Attorney Leisure, P&Z would not be able to make changes to the UDC on its own accord). When passing the UDC, City Council made no mention of appointing this subcommittee, nor did the implementing ordinance.

h. P&Z and City Council adopts UDC, which fails to de-industrialize North and East Lubbock

Another concerning development for residents of North and East Lubbock is the creation of the Heavy Commercial zoning designation in the UDC. Heavy Commercial replaces the C-4 (Commercial District) zoning designation in the previous zoning code.¹⁴⁴ While C-4 prohibits most manufacturing uses and limits outdoor storage (subject to exceptions)¹⁴⁵, Heavy Commercial in the UDC allows for **light manufacturing** and outdoor storage¹⁴⁶. The change in zoning designation expands the allowed use in areas currently zoned for C-4. The UDC acknowledges that the Heavy Commercial district "should be located away from residential development, or, if unavoidable, should be heavily buffered."¹⁴⁷ The 2040 FLUM concentrates Heavy Commercial zoning in North and East Lubbock.

P&Z unanimously approved the draft UDC (with amendment) on April 13, 2023.¹⁴⁸ City Council passed the UDC and the new Zoning Map on second reading on May 9, 2023 by a vote of five in favor and two opposed. Councilmembers Shelia Patterson Harris, the representative for much of East Lubbock, and Latrelle Joy, the representative for the northwest side, voted against the UDC. Councilmember Patterson Harris based her opposition on the failure of the City to incorporate enough citizen input in the last stages of the process and concerns that citizens had brought to her that the UDC did not resolve.¹⁴⁹ Residents of East and North Lubbock made public comments asking for amortization and zoning reform before Council made their decision, but five councilmembers ignored those requests.¹⁵⁰

¹⁴⁰ *Apr 13, 2023 Planning and Zoning Special Meeting*, *supra* note 129 (beginning at timestamp 1:23:00).

¹⁴¹ *Id.* (beginning at timestamp 1:24:00. At timestamp 1:32:00, the City Director of Development Services pulls up a "redlined" version of the UDC draft for a developer speaker that he and the developer had been apparently working on together.).

¹⁴² CITY OF LUBBOCK, *Proposed Amendments to the Unified Development Code (UDC)* (Apr. 13, 2023), <https://ci.lubbock.tx.us/storage/images/Eqk05Xm0R1WNSPWEGMd4cN9tB0QWEhrmBAj8TIWu.pdf>.

¹⁴³ Alex Driggers, *Unified Development Code not yet passed, heads back to commission for tweaks*, LUBB. AVALANCHE-JOURNAL (March 23, 2023), <https://www.lubbockonline.com/story/news/politics/government/2023/03/23/unified-development-code-not-yet-passed-heads-back-to-commission-for-tweaks/70037083007/>

¹⁴⁴ See UDC, Table 39.02.006.d; see LUBBOCK, TEX., CODE OF ORDINANCES § 40.03.2231.

¹⁴⁵ See LUBBOCK, TEX., CODE OF ORDINANCES § 40.03.2231, et al.

¹⁴⁶ See UDC, Table 39.02.006.d-1.

¹⁴⁷ UDC § 39.02.006.d. See also *supra* note 83.

¹⁴⁸ *April 13, 2023 Planning and Zoning Special Meeting*, *supra* note 127, (timestamp 4:12:00).

¹⁴⁹ City of Lubbock, *May 9, 2023 Regular City Council Meeting*, SWAGIT (May 9, 2023), <https://lubbocktx.new.swagit.com/videos/229468> (See timestamp 41:00 and agenda item 7.3).

¹⁵⁰ *Id.* at timestamp 18:52. (See agenda item 4).

3. The impact of racist zoning on Black and Hispanic neighborhoods

The City's policy of concentrating industrial zoning in and around majority Black and Hispanic neighborhoods has profound and well-known impacts on these communities. Some of these negative impacts include increased rates of asthma and other pollution-related illnesses, frequent exposure to nuisance conditions including unreasonably unpleasant smells, dust, and noise, heightened risk of injury from manmade and natural disasters, and lower home values and stunted residential and commercial development.

1. Health risks and pollution exposure

It is well known and scientifically proven that exposure to air pollution causes significant negative health risks. Prolonged exposure to air pollution can cause many adverse health impacts including, but not limited to, premature death, asthma attacks, lung cancer, and developmental damage.¹⁵¹ Research from Texas Tech University and data from the Centers for Disease Control and Prevention ("CDC") shows that North and East Lubbock residents suffer from pollution-linked diseases at a higher rate than residents in other parts of the city. This may be due to the high concentration of polluting industries in the North and East sides.

A 2021 study from the Texas Tech University Health Science Center found that residents living in the northeast section of Lubbock were more likely to have required hospitalization from severe asthma episodes.¹⁵² The study also found that Lubbock's non-Hispanic Black residents disproportionately required hospitalization from severe asthma events as compared to Lubbock residents of all other races or ethnicities.¹⁵³ Data from the CDC indicates that census tracts in East Lubbock (in the neighborhoods of Parkway-Cherry Point, Dunbar-Manhattan Heights and Chatman Hill) have among the highest asthma rates in the city.¹⁵⁴

East Lubbock residents living next to the PYCO cotton oil mill have raised alarms in the press regarding health problems linked to the cotton dust pollution, but City officials have ignored their concerns.¹⁵⁵ In particular, East Lubbock residents are concerned over their forced exposure to Particulate Matter 10 ("PM 10"). The Environmental Protection Agency ("EPA") classifies PM 10 as a criteria air pollutant under the Clean Air Act and warns that exposure to PM 10 particles in the air can lead to a laundry list of serious health impacts.¹⁵⁶ In 2021, the PYCO mill in East Lubbock was the tenth highest emitter of PM 10 in Texas, releasing 567.6774 tons per year of PM 10 pollutants.¹⁵⁷ PYCO's ranking in 2021 was not a standalone event; PYCO has been ranked in

¹⁵¹ *The Terrible 10: Air Pollution's Top 10 Health Risks*, AMERICAN LUNG ASSOCIATION (Apr. 6, 2017) <https://www.lung.org/blog/air-pollutions-top-10-health-risks>.

¹⁵² DE LA CRUZ, ET AL., *supra* note 5.

¹⁵³ See DE LA CRUZ, ET AL., *supra* note 5.

¹⁵⁴ CENTERS FOR DISEASE CONTROL AND PREVENTION, *Places: Local Data for Better Health*, <https://www.cdc.gov/places/> (Access the Interactive Map and select asthma information to see the data.).

¹⁵⁵ Elizabeth Fitz, *East Lubbock residents raise health concerns about pollutants from cottonseed oil mill*, KLBK (Jan. 14, 2022), <https://www.everythinglubbock.com/news/latest/east-lubbock-residents-raise-health-concerns-about-pollutants-from-cottonseed-oil-mill/>.

¹⁵⁶ *Health and Environmental Effects of Particulate Matter (PM)*, U.S. ENV'T PROT. AGENCY, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> (last visited May 11, 2023) (according to the EPA, these health impacts include premature death, heart attacks, irregular heartbeats, aggravated asthma, decreased lung function, and numerous increased respiratory symptoms).

¹⁵⁷ See *2021 Point Source Emission Inventory Site Level Summary Emissions Data*, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, https://www.tceq.texas.gov/downloads/air-quality/point-source/2014_2021statesum.xlsx (last visited May 1, 2023); see also *Point Source Emissions Inventory*, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, <https://www.tceq.texas.gov/airquality/point-source-ei/psei.html>.

the top ten PM 10 polluters statewide since 2018.¹⁵⁸ From 2014–2017, the PYCO mill ranked in the top fifteen PM 10-emitting facilities statewide (TCEQ began publicizing this data in 2014).¹⁵⁹

2. Nuisances and damage to quality of life

Residents in North and East Lubbock also suffer from the nuisances caused by industry including noxious and foul-smelling fumes, noise pollution, smoke and smog, and unsightly facilities and storage yards. Residents living near the PYCO cotton oil mill are subjected to the incessant smell of the processed oil, the constant hum of the industrial equipment, oily film that collects on car windows, clogged air conditioning systems caused by cottonseed particles, and annual infestations of boll weevils attracted to the five story tall storage piles of cottonseed.¹⁶⁰ The fair housing advocacy nonprofit, Texas Housers, interviewed residents about PYCO in their Lubbock Voices and Vision project; those video interviews are viewable at <https://www.arcgis.com/apps/MapSeries/index.html?appid=2f046a02384048d183fa29a61d4a2afa>.¹⁶¹

North Lubbock residents face dust and noise from nearby concrete plants and other facilities. In 2022, the TCEQ fined a crematorium, Miller Family Services, for emitting human ash into the surrounding neighborhoods.¹⁶² In 2020, TCEQ fined Triple C Concrete for plaguing residents with dust emissions.¹⁶³ City officials are well aware of the hazardous effects of industrial facilities like PYCO, Triple C Concrete, and Miller Family Services. Yet, the City, through its zoning policies, has protected Southwest Lubbock's White residents from the onslaught of these serious impacts, but refuses to extend the same protection to Black and Hispanic residents in North and East Lubbock.

¹⁵⁸ See 2021 Point Source Emission Inventory Site Level Summary Emissions Data, *supra* note 155.

¹⁵⁹ See *id.*

¹⁶⁰ *Lubbock Voices and Visions*, TEXAS HOUSERS (March 2018), <https://www.arcgis.com/apps/MapSeries/index.html?appid=2f046a02384048d183fa29a61d4a2afa>.

¹⁶¹ See *id.*

¹⁶² *In the Matter of an Enforcement Action Concerning Miller Family Services, Inc.*, Docket No. 2021-0367-AIR-E, Texas Commission on Environmental Quality, February 23, 2022.

¹⁶³ *In the Matter of an Enforcement Action Concerning Triple C Concrete of Lubbock, LTD*, Docket No. 2019-0959-AIR-E, Texas Commission on Environmental Quality, May 6, 2020.

Figure 14: Concrete crushing plant across from the Guadalupe neighborhood¹⁶⁴



¹⁶⁴ This photo was taken by Dora Cortez on May 22, 2023 from the intersection of Cesar E. Chavez Drive and Avenue P.

Figure 15: PYCO Cotton Oil Mill and Chatman Hill¹⁶⁵



3. Heightened risk of harm from industrial accidents

Residents living near industrial facilities have a greater risk of injury and harm from manmade and natural disasters. In Lubbock, the City's discriminatory zoning regime forces residents of color to bear this burden disproportionately. EPA data shows that the census block groups in the neighborhoods of Arnett Benson and Jackson-Mahon in North Lubbock have more facilities in a 5-kilometer radius that are required to have a chemical accident management plan than 98% of all other census block groups in the United States.¹⁶⁶ The census block group containing Chatman Hill, a neighborhood in East Lubbock, is in the 82nd percentile for frequency of facilities that must have chemical accident management plans.¹⁶⁷ In contrast, no neighborhoods in the wealthy, majority White southwest side is above the 50th percentile.

¹⁶⁵ This photo was taken by Adam Pirtle on May 30, 2023 from 24th Street bridge entering Chatman Hill.

¹⁶⁶ *EJ Screen*, U.S. ENV'T PROTECTION AGENCY, <https://ejscreen.epa.gov/mapper/>, *supra* note 10.

¹⁶⁷ *Id.*

The risks for North and East Lubbock residents living next to hazardous facilities are not abstract. Many times over the last several years, dangerous incidents at industrial plants have forced hundreds of residents in North and East Lubbock to flee their homes:

- In 2007, an ammonia leak at Gandy's Dairies in the Jackson-Mahon neighborhood required 125 people to evacuate.¹⁶⁸
- On May 8, 2013 at 12:30 AM, a chemical spill at the Bayer Crop Science plant in North Lubbock forced 200 residents of the Guadalupe neighborhood to leave their beds in the middle of the night, gather their families, and evacuate to safety.¹⁶⁹
- More recently, in the morning hours of September 12, 2019, first responders evacuated East Lubbock residents after a hydrochloric acid leak at the Hydrite Chemical Company.¹⁷⁰

Figure 16: Gandy's Dairies and Jackson neighborhood¹⁷¹



¹⁶⁸ Nicole C. Brambila, *Mapping the hazards: 4,200 Lubbock students go to schools near dangerous chemicals*, LUBB. AVALANCHE-JOURNAL (May 7, 2014), <https://www.lubbockonline.com/story/news/local/2014/05/17/mapping-hazards-4200-lubbock-students-go-school-near-dangerous-chemicals/15040941007/>.

¹⁶⁹ Karen Michaeland & Jennifer Loesch, *Lubbock residents evacuated during chemical spill recall scare*, LUBB. AVALANCHE-JOURNAL (May 9, 2013), <https://www.lubbockonline.com/story/news/local/2013/05/09/lubbock-residents-evacuated-during-chemical-spill-recall-scare/15093323007/>.

¹⁷⁰ Michael A. Cantu, *Chemical spill in southeast Lubbock prompts hours-long evacuation*, KCBD (September 12, 2019), <https://www.kcbd.com/2019/09/12/chemical-spill-southeast-lubbock-prompts-hours-long-evacuation/>.

¹⁷¹ This photo was taken by Adam Pirtle on May 30, 2023 from Waco Avenue and 2nd Place.

In addition to these manmade events, Lubbock also receives its share of natural disasters and intense weather events. By allowing these facilities to operate so closely to homes, the City is unnecessarily increasing a very real risk of serious harm to residents and first responders if a natural disaster were to cause a chemical leak, explosion, or other secondary disaster. Through its discriminatory zoning practices, the City places residents in the North and East neighborhoods at a substantial cumulative risk of injury from both manmade and natural industrial disasters. The City does not force residents of majority White neighborhoods to bear these risks.

North and East Lubbock neighborhoods are also located on the heavily trafficked Burlington Northern Santa Fe (“BNSF”) railroad line. The BNSF line cuts through Guadalupe and hugs the northwestern border of Chatman Hill. In addition to the inconvenience of noisy train traffic and long waits at railroad crossings, residents also face increased safety risks from hazardous cargo carried by trains in their neighborhoods. To make matters worse for residents of Guadalupe neighborhood, the BNSF line crosses one of the limited entry and exit points into the neighborhood; a long or stopped train blocks access to the neighborhood and can force emergency responders to find alternate routes into the neighborhood. Residents report that one long train can block most of the roads to Carmona-Harrison Elementary School, the elementary school serving most North Lubbock neighborhoods. A stalled or passing train could create access issues for emergency responders attempting to get to the school. Lubbock’s city planning has not only subjected North and East Lubbock residents to increased risk of serious harm from industrial accidents, but may make it more difficult for public safety resources to reach residents in the event of a personal or public emergency.

4. Depressed property values and stunted residential and commercial development

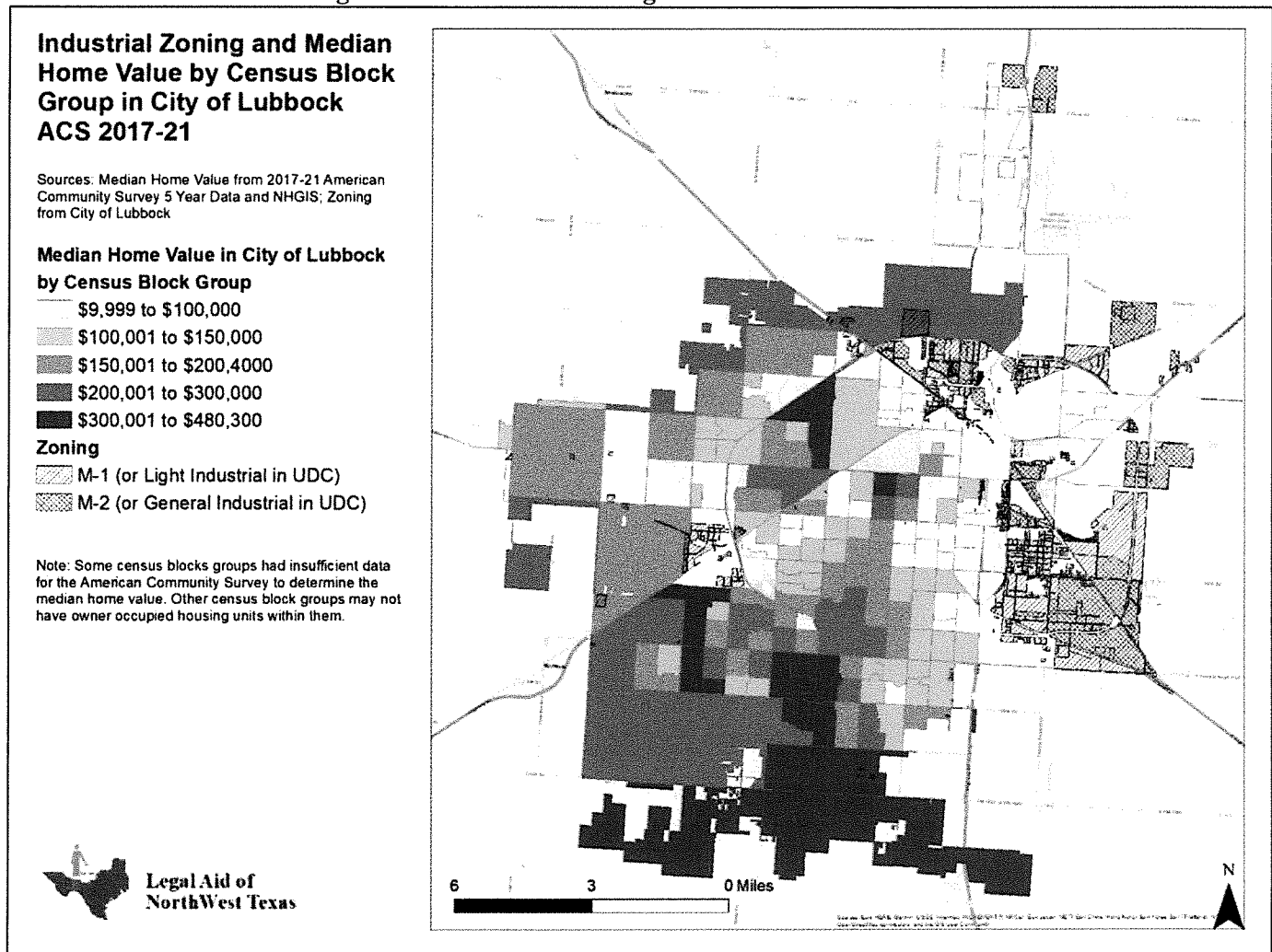
The City’s industrial zoning and industrial land use classifications also cause neighborhood blight and reduced home values in Black and Hispanic North and East Lubbock neighborhoods. In the 2040 Plan, the City acknowledged that East and North Lubbock are facing “blight and disinvestment”¹⁷² and “most all housing east of I-27 is valued in the bottom 25 percent” of Lubbock’s residential housing.¹⁷³ The City’s 2040 Plan recognized that “incompatible nonresidential land uses” are one of four major challenges to further developing East Lubbock.¹⁷⁴ Home values, including appraised values, market values, and prices per square foot in East Lubbock are a fraction of what those same values are in other neighborhoods in Lubbock. While the predominantly White Southwest Lubbock enjoys some of the highest property values in the city, close proximity to industrial areas depresses property values in East Lubbock. Figure 17 on the following page shows median home values for each of Lubbock’s census block groups as calculated in the 2017-2021 United States Census American Community Survey.

¹⁷² See 2040 PLAN, *supra* note 6, at 178.

¹⁷³ See *id.* at 169.

¹⁷⁴ See *id.* at 180.

Figure 17: Industrial Zoning and Median Home Values



The East Lubbock neighborhoods of Chatman Hill, Dunbar-Manhattan Heights, and Parkway-Cherry Point and the North Lubbock neighborhoods of Arnett Benson, Jackson-Mahon, and Guadalupe are all located in census block groups with median home values of less than \$100,000. Very little M-1 or M-2 zoning exists in census block groups where the median home value is higher than \$100,000.

IV. LEGAL BACKGROUND

Title VI of the Civil Rights Act of 1964 states: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” HUD and Treasury’s Title VI implementing regulations prohibit several specific discriminatory acts by recipients of federal funds.

For example, under HUD’s implementing regulations, a recipient may not, based on race, color, or national origin, “subject a person to segregation or separate treatment in any matter related to his receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity.”¹⁷⁵ HUD’s regulations also make clear that Title VI prohibits forms of discrimination outside of those listed.¹⁷⁶ Treasury’s implementing regulations include similar prohibitions based on race, color, or national origin, prohibiting recipients from “Subject[ing] a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program.”¹⁷⁷

In Executive Order 14096 issued under Title VI, the Biden Administration instructed all federal agencies to “ensure that *all programs or activities receiving Federal financial assistance that potentially affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, policies, practices, or methods of administration that discriminate on the basis of race, color, or national origin*” (emphasis added).¹⁷⁸

HUD and Treasury’s implementing regulations forbid recipients from activities that have the purpose or effect of discrimination based on race, color or national origin.¹⁷⁹ Both agencies prohibit both intentional discrimination and policies with unjustified disparate impacts.

As the next section will demonstrate, the City’s zoning and land use regimes violate Title VI by intentionally discriminating against North and East Lubbock residents based on race, color, or national origin through intentionally subjecting these neighborhoods of color to severe concentration of industrial zoning and associated health risks. The City also violates Title VI through its zoning policies and practices that subject the mostly Hispanic and Black residents of North and East Lubbock to unjustified disparate impacts.

¹⁷⁵ 24 C.F.R. § 1.4(b)(1)(iii) (2023).

¹⁷⁶ See 24 C.F.R. § 1.4(b)(5) (2023).

¹⁷⁷ 31 C.F.R. § 22.4(b)(1)(iii) (2023).

¹⁷⁸ Exec. Order No. 14096, § 3(x) (Apr. 21, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>.

¹⁷⁹ 24 C.F.R. § 1.4(b)(2)(i); 31 CFR 22.4(b)(2).

V. ARGUMENT

The City of Lubbock discriminated against the mostly Black and Hispanic residents in East and North Lubbock when it passed the Unified Development Code and the new Zoning Map. Both intentional discrimination and policies or practices with an unjustifiable disparate impact on protected classes are illegal under Title VI. The first part of this section shows that the City intentionally discriminated against Black and Hispanic residents. The second part of this section will show that these policies also have an unlawful disparate impact under Title VI.

A. Intentional Discrimination: The City intentionally discriminated against Black and Hispanic residents by passing the Unified Development Code and the Zoning Map because these laws deliberately concentrate industrial zoning in communities of color

The Unified Development Code and the new Zoning Map discriminate against North and East Lubbock's mostly Black and Hispanic residents. A complainant may use direct or circumstantial evidence to prove that a race-neutral law (a law that does not mention race) is intentionally discriminatory. Direct evidence is evidence that "if believed, proves the fact [of discriminatory intent] without inference or presumption."¹⁸⁰ Circumstantial evidence "can include suspicious timing, inappropriate remarks, and comparative evidence of systematically more favorable treatment toward similarly situated [individuals] not sharing the protected characteristic[.]"¹⁸¹ The fact finder may find statistical evidence showing "a pattern of discrimination, a racially disproportionate impact, or foreseeably discriminatory results" to be of critical importance in concluding that discrimination exists.¹⁸²

The U.S. Supreme Court established the applicable test in *Village of Arlington Heights v. Metro. Housing Development Corporation*, 429 U.S. 252 (1977). *Arlington Heights* established a multi-factor totality of the circumstances test combining elements of direct and circumstantial evidence to prove intentional discrimination.¹⁸³ Those factors include:

1. Statistics demonstrating a clear pattern of discriminatory effect;
2. The historical background of the decision and other decisions on comparable matters;
3. The sequence of events leading up to the decision, as compared to other decisions on comparable matters;
4. Departures from normal procedures or substantive conclusions; and
5. Relevant legislative or administrative history.¹⁸⁴

Under the *Arlington Heights* framework, a complainant need only provide very little evidence to raise a genuine issue of fact.¹⁸⁵ "Any indication of discriminatory motive . . . may suffice to raise a question" that must be resolved by a fact-finder.¹⁸⁶ *Arlington Heights* requires a totality of the circumstances analysis; thus, a complainant need not provide exhaustive evidence of every factor in order to prove their case.¹⁸⁷ As the Fourth Circuit stated, the fact-finder must cumulatively assess all available evidence and must not "miss[] the forest in carefully surveying

¹⁸⁰ *Coghlan v. Am. Seafoods Co.*, 413 F.3d 1090, 1095 (9th Cir. 2005) (citation omitted); see also DOJ Title VI Legal Manual, Section VI.B.1.

¹⁸¹ *Loyd v. Phillips Bros., Inc.*, 25 F.3d 518, 522 (7th Cir. 1994); accord *Troupe v. May Dep't Stores Co.*, 20 F.3d 734, 736 (7th Cir. 1994); see also DOJ Title VI Legal Manual at Section VI.B.2.

¹⁸² DOJ Title VI Legal Manual at Section VI.B.

¹⁸³ *Vill. of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 266–68 (1977).

¹⁸⁴ *Id.*

¹⁸⁵ *Pac. Shores Props., LLC v. City of Newport Beach*, 730 F.3d 1142, 1159 (9th Cir. 2013) (citations omitted); see also DOJ Title VI Legal Manual, Section VI.B.2.

¹⁸⁶ *Id.*

¹⁸⁷ *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 223 (4th Cir. 2016); see also DOJ Title VI Legal Manual, Section VI.B.2.

the many trees.”¹⁸⁸ For the reasons stated below, the City’s zoning and land use policies violates Title VI because they intentionally discriminate against Black and Hispanic residents.

1. Statistics and mapping data demonstrate that Lubbock’s zoning system has a clear discriminatory effect upon Black and Hispanic residents

Lubbock’s Zoning Map and its implementing ordinances, including Ordinance No. 2023-00054 that ratified the Unified Development Code, have a blatant discriminatory effect upon people of color in Lubbock. The following statistics are clear evidence of this disproportionate and discriminatory effect. For a visual depiction of these statistics, see Figure 9 on page 23.

- 57% of Lubbock’s Black, non-Hispanic residents and 38% of Lubbock’s Hispanic residents live in census blocks that are within one mile of M-2 or GI zoning, the most intensive zoning designations allowing for the most potentially dangerous industrial uses. Only 17% of Lubbock’s White population live within the same proximity to M-2 or GI zoning.¹⁸⁹
- Combining data with the 2020 United States Census and Lubbock’s Zoning Map, 72% of people living in census blocks within one mile of M-2 zoning are people of color (55,887 people).¹⁹⁰
- Among the 40,132 people living in a census block located one mile from Toxics Release Inventory¹⁹¹ sites, 78% are people of color (31,422 people).¹⁹² TRI sites must annually report to the EPA because they release dangerous chemicals into the air, land, or water. The City’s zoning policies allow these sites to operate only in areas that are next to Black and Hispanic populations and far from White populations.
- 33.8% of Lubbock’s Black, non-Hispanic population and 20% of Lubbock’s Hispanic population lives within one mile of a TRI site. Only 6.9% of Lubbock’s White population lives within the same proximity.¹⁹³
- Census block groups in Arnett Benson and Jackson-Mahon have more facilities that must have a chemical accident management plan within a 5-kilometer radius than 98% of all other census block groups in the United States.¹⁹⁴ The census block containing Chatman Hill is in the 82nd percentile.¹⁹⁵ Neighborhoods in North and East Lubbock have had to evacuate several times because of industrial accidents at nearby facilities.¹⁹⁶
- Research shows that North and East Lubbock residents suffer from pollution-linked diseases at a higher rate than residents in other parts of the city.¹⁹⁷ A 2021 study from the Texas Tech University Health Science Center found that residents living in the northeast section of Lubbock were more likely to have

¹⁸⁸ *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 223 (4th Cir. 2016); see also *DOJ Title VI Legal Manual*, Section VI.B.2.

¹⁸⁹ *Supra* Figure 9, calculations from 2020 United States Census.

¹⁹⁰ *Id.*

¹⁹¹ U.S. ENV’T PROT. AGENCY, *supra* note 68.

¹⁹² See *supra* Figure 9. This calculation was made using ArcGIS.

¹⁹³ *Id.*

¹⁹⁴ *Supra* note 10; see *supra* Section III.C.3., pp.40-42.

¹⁹⁵ *Supra* note 10; see *supra* Section III.C.3., pp.40-42.

¹⁹⁶ *Supra* note 10; see *supra* Section III.C.3., pp.40-42.

¹⁹⁷ See *supra* Section III.C.1., pp. 37-38.

required hospitalization from severe asthma episodes.¹⁹⁸ Lubbock's non-Hispanic Black residents disproportionately required hospitalization from severe asthma events as compared to Lubbock residents of all other races or ethnicities. Data from the CDC indicates that census tracts in East Lubbock (in the neighborhoods of Parkway-Cherry Point, Dunbar-Manhattan Heights and Chatman Hill) have among the highest asthma rates in the city.¹⁹⁹

- The lowest median home values in Lubbock are largely in census block groups that contain or border industrial zoning and have high Black and Hispanic populations.²⁰⁰

2. The historical background of Lubbock's zoning regime shows clear evidence of racial discrimination

Since its founding days, the City of Lubbock's zoning policies have exposed majority Black and Hispanic neighborhoods to the dangers and nuisances of industrial zoning while actively protecting majority White neighborhoods from those same dangers and nuisances. The factual background section of this complaint describes the history of Lubbock's zoning discrimination in detail, beginning with the 1923 Ordinance that proscribed where non-White residents could live in Lubbock. This section will summarize the key points.

- In 1923, Mayor Percy Spencer signed a racial segregation ordinance that forced Black residents of Lubbock to live east of Avenue C and south of 16th Street.²⁰¹ White City leaders published the ordinance on an emergency basis claiming that African Americans living next to White neighborhoods was "*dangerous to the health and pollute[d] the earth and atmosphere* (emphasis added)." City planners later acknowledged how the 1923 ordinance and racial segregation forced Lubbock's Black residents to live next to industrial land uses. According to the City's 1974 Plan: "the beginning of ethnic residential segregation in Lubbock coincide[d] with the beginning of a [B]lack population. Black residential growth was directed southeastward to a general locational mix with the railroads and industry (emphasis added)."²⁰²
- In 1943, the City passed its first comprehensive plan.²⁰³ The City used its zoning power to officially create an industrial buffer zone between White neighborhoods and Hispanic and Black neighborhoods. The 1943 Plan advised against extending the central business district east or north because the principal development in the east and north was for Black and Hispanic families.²⁰⁴
- In 1959, the City passed another comprehensive plan.²⁰⁵ The City recognized that heavy industries were "hazardous by nature" and that neighborhoods should be "free from the noxious odors, sounds and sights of industry." Despite this recognition, the City's 1959 Plan expanded industrial zoning around Black and Hispanic neighborhoods.²⁰⁶

¹⁹⁸ DE LA CRUZ, *supra* note 5.

¹⁹⁹ CENTERS FOR DISEASE CONTROL AND PREVENTION, *supra* note 152.

²⁰⁰ See *Supra* Figure 16.

²⁰¹ See *supra* Section III.A., pp. 14–16; see Foster, *supra* note 1.

²⁰² See *supra* Section III.A., pp. 15–16; see 1974 PLAN, *supra* note 51.

²⁰³ See *supra* Section III.A., pp. 14–15; see also 1943 PLAN, *supra* note 48.

²⁰⁴ *Id.*

²⁰⁵ See *supra* Section III.A., pp. 16–17; see also 1959 PLAN, *supra* note 52.

²⁰⁶ See *supra* Section III.A., pp. 16–17; see also 1959 PLAN, *supra* note 52; see also Figure 4.

- Starting in the 1950s into the early 1960s, the City used Urban Renewal funding to tear down existing Black neighborhoods and rebuild them in areas surrounded by industrial zoning. The new neighborhoods included Chatman Hill, Dunbar-Manhattan Heights, and Yellow House Canyon. Prior to the Fair Housing Act of 1968, these neighborhoods were the only neighborhoods within Lubbock’s city limits where Black residents could buy homes.²⁰⁷
- In 1970, a tornado tore through northeast Lubbock and downtown. The tornado along with the integration of public schools led to White flight from the then majority White neighborhoods of Parkway-Cherry Point and Country Club Estates. By 1980, Parkway-Cherry Point became a majority Black and Hispanic neighborhood.²⁰⁸ Although the City plans had at one time envisioned expanding residential development in northern and northeast Lubbock, the City changed plans and expanded industrial development in this area when Parkway-Cherry Point’s demographics shifted to become a majority Black and Hispanic neighborhood.
- Following the 1970 tornado, the City began the Canyon Lakes project. The City created parks and recreational lakes on top of tons of buried debris from the 1970 tornado along the Yellow House Canyon and Double Mountain Fork of the Brazos River. The City removed some nuisance facilities along the canyon rim to make way for the new parks, including removing a caliche mining operation and used car dump sites. However, this effort to remove nuisance land uses would be short-lived.²⁰⁹
- The 1974 Plan recognized that the “tremendous amount of “M” [industrial] zoning” precluded residential development in the east side.²¹⁰ The report suggested that “zoning revisions” and increased federal funding could be the “impetus for development.”²¹¹ The City did not follow these recommendations, and instead the City expanded industrial land zoning and land uses in the east and north sides in the 1986 Comprehensive Plan.
- In 1986, the City passed its next comprehensive plan.²¹² This plan expanded industrial zoning in East and North Lubbock, especially north of the Parkway-Cherry Point neighborhood. The plan also paved the way for the expansion of Interstate 27 along the old Avenue C corridor, which City leaders had set as the dividing line between Black and White neighborhoods in the 1923 Ordinance.²¹³ Planners understood that continued industrialization of the north and east sides would lead to stagnation for nearby neighborhoods and predicted that these neighborhoods would lose population or see no growth by 2005.²¹⁴ Thus, the City made an active choice to stagnate these neighborhoods through its policies.
- In December of 2018, the City passed the 2040 Plan²¹⁵ despite massive protests from North and East Lubbock residents saying that the 2040 Plan left too much industrial zoning near their neighborhoods.²¹⁶ The Plan recommended that no new industries be placed near East and North Lubbock neighborhoods; however, the City flouted that recommendation by massively expanding M-2 zoning in the east side for

²⁰⁷ See *supra* Section III.A., pp. 16–17.

²⁰⁸ See *supra* Section III.A., pp. 16–18.

²⁰⁹ *Id.*

²¹⁰ See *supra* Section III.A., p. 18; see also 1974 PLAN, *supra* note 51.

²¹¹ See *supra* Section III.A., p. 17–18; see also 1974 PLAN, *supra* note 51.

²¹² 1986 PLAN, *supra* note 61.

²¹³ See *supra* Section III.A., pp. 18–20; see also *supra* Figures 5 and 6.

²¹⁴ See *supra* Section III.A., pp. 18–20; see also *supra* Figures 5 and 6.

²¹⁵ 2040 PLAN, *supra* note 6.

²¹⁶ See *supra* p. 24; see also *supra* note 73.

the Leprino Foods cheese factory²¹⁷ and by not taking efforts to downzone industrial zoning in overburdened neighborhoods.

- In August of 2021, the City annexed 407.3 acres of land on the E. Loop 289 and 19th Street for the Leprino Foods cheese factory.²¹⁸ In October of 2021, the City rezoned these 407.3 acres from Transitional to M-2 Heavy Manufacturing.²¹⁹ This was the largest amount of property rezoned to M-2 since 1979.²²⁰ Leprino is currently applying to TCEQ for a permit to discharge up to 2 million gallons a day of treated wastewater into Dunbar Lake near the Dunbar neighborhood in East Lubbock.²²¹ Dunbar Lake is a primary recreation site for residents of the Dunbar neighborhood and others in East Lubbock.
- On March 9, 2023, City Council cemented the concentration of industrial and heavy commercial zoning in North and East Lubbock for another generation when they adopted the Unified Development Code and a new zoning map.²²² The new zoning map makes no changes to existing discriminatory zoning patterns that overwhelmingly concentrate industrial zoning in East and North Lubbock. The UDC contains no adjacency standards that would prohibit industrial facilities from locating next to residential developments in the future. Councilmember Shelia Patterson Harris, the representative for District 2 which encompasses much of East Lubbock, voted against the UDC along with Councilmember Latrelle Joy, of District 6.²²³

3. The specific sequence of events leading up to the passage of the UDC and the Zoning Map and the legislative history provide evidence of discrimination against Black and Hispanic residents in East and North Lubbock neighborhoods

The legislative history and the sequence of events leading up to passage of the UDC and Zoning Map show that the City continues to practice zoning discrimination against Black and Hispanic neighborhoods while favoring White neighborhoods. Although *Arlington Heights* divides the sequence of events leading up to the challenged decision and the legislative history into two factors, this complaint combines them because they are so intertwined. The section pays close attention to how City leaders favored requests coming from those representing the interests of White neighborhoods while disfavoring the requests of neighborhoods of color.

- Several East and North Lubbock residents and allies asked for relief from industrial zoning in public comments at P&Z hearings and at City Council meetings, but City leaders in both bodies took limited actions to address these comments.²²⁴ On the other hand, P&Z and City Council listened to representatives of wealthy, White residents who opposed lessening restrictions on billboards and as a result, scrapped a

²¹⁷ See *supra* Section III.B.1., p. 25-26; see also LUBBOCK, TEX., Ordinance 2021-O0142, *supra* note 79.

²¹⁸ LUBBOCK, TEX., Ordinance 2021-O0093, *supra* note 78.

²¹⁹ LUBBOCK, TEX., Ordinance 2021-O0142, *supra* note 79.

²²⁰ LUBBOCK, TEX., Ordinance 7931-1979, *supra* note 80.

²²¹ TEXAS COMM'N ON ENV'T QUALITY, Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) and Notice of Application and Preliminary Decision to TPDES Permit for Industrial Wastewater New Permit No. WQ0005417000 (May 1, 2023),

<https://www15.tceq.texas.gov/crpub/com/cAndDFmWS.cfc?method=downloadDocument&argData=AF6D0C2CDCDC0DAE2C7A4D6A2FDE9F7C6E8F1F7E4B7F4FFF0A9CCDAC4C4A1C5D9CBC4A7E7EFE9ED13121F342A49484047414143424141283358010A042C040E000345515352525F6C6A6F6B696A68616F6A703A113E34163C0E232F0E3C2F2863262D253034233D5B5A43184F5A51514440574157564D1E4A5E430D554E4604574D51475C00554C7A633D2B6F6D6B75606470226772746021273F7B7E7D706A327D705F60747>.

²²² LUBBOCK, TEX., Ordinance 2023-O0054, *supra* note 2.

²²³ See *id.*; see also City of Lubbock, *May 09, 2023 Regular City Council Meeting*, SWAGIT (May 9, 2023) <https://lubbocktx.new.swagit.com/videos/229468> (timestamp at 41.32 and agenda item 7.3).

²²⁴ See *supra* pp. 29–36.

provision in the UDC that would have expanded billboards to other zoning districts.²²⁵ Going even further to protect White residents from unsightly but not at all hazardous land uses, P&Z recommended an amendment increasing restrictions on billboards requiring that the builder procure a specific use zoning change before construction, which City Council later approved.²²⁶

- P&Z gave representatives of the Developer’s Council unlimited time to speak on their proposed amendments at each P&Z meeting and did not grant North and East Lubbock residents the same opportunities.²²⁷ The Vice Chair, a developer himself, pushed P&Z to adopt the recommendations of the Developer’s Council and invited a representative of the Developer’s Council to speak to each of their many proposed amendments.²²⁸ Representatives of the Developer’s Council spoke to P&Z for several hours about their proposed amendments to the UDC.²²⁹ P&Z also invited representatives of those who were for and against restrictions on billboards to speak on their positions outside of allotted public comments periods.²³⁰ P&Z did not extend the same courtesy to those who were advocating for industrial zoning reform and amortization. P&Z did not invite any advocates to speak about problems with industry in their neighborhood, downzoning industrial sites, or industrial amortization.
- P&Z made no changes to the UDC despite requests from citizens for P&Z to take action about zoning discrimination. Instead, P&Z recommended the formation of a subcommittee to discuss amortization in the future. However, this subcommittee will have no authority to enact law and may not even have the authority to meet without motion by City staff or a property owner.²³¹ Later, when the P&Z Chair recommended forming a subcommittee to deal with billboards—another contentious issue—the Vice Chair advised against making a subcommittee for billboards, saying “we could subcommittee this thing [billboards] to death” and never decide what to do.²³² He did not express a similar concern about amortization. The Assistant City Attorney later warned that the P&Z would not be able to bring up the billboard issue again without a motion from City staff or a property owner.²³³ She gave no similar admonishment when P&Z moved to make a subcommittee for amortization, nor did she advise P&Z that this warning also applied to P&Z’s decision to form a subcommittee for amortization.²³⁴ These comments (or lack thereof) from the P&Z Chair and the Assistant City Attorney indicate that the City is not taking the issue of zoning discrimination seriously, but views the issue of billboards brought by outcry from White neighborhoods as a serious matter.
- Instead of creating protections for fence-line communities, developers and staff amended the UDC to weaken the limited protections that were within the draft UDC. For example, Council approved (on P&Z’s recommendation) an amendment to eliminate buffer requirements between industrial and residential uses

²²⁵ See *supra* pp. 34–36; see also *supra* note 123.

²²⁶ See *supra* p. 35.

²²⁷ See *supra* p. 36.

²²⁸ See *Apr 13, 2023 Planning and Zoning Special Meeting*, *supra* note 125 (timestamp 1:18:30)

²²⁹ See *supra* p. 36.

²³⁰ *Apr 13, 2023 Planning and Zoning Special Meeting*, *supra* note 127 (At timestamp 40:37, the Vice Chair invited Jim Bertram, a former Planning Director of the City of Lubbock and a representative of those in favor of billboard regulations, to speak at length about the history of sign and billboard restrictions in Lubbock. The Chair also invited former Councilmember Randy Christian, a proponent of billboard expansion, to speak on his position following Mr. Bertram’s comments.).

²³¹ See *supra* p. 35.

²³² See *supra* pp. 35–36.

²³³ See *id.*

²³⁴ See *id.*

for residential developments that are built next to industrial facilities.²³⁵ Because most industrial zoning in Lubbock is already in communities of color, this will likely have a disproportionate impact on residential developments built within communities of color.

- Based on its rules of construction, the UDC may never require a Type D Bufferyard, the most intensive bufferyard with the greatest distance between uses and most vegetation require, to be used. Although UDC Table 39.03.016-1 requires a Type D Bufferyard for a General Industrial use built next to a residential area, Section 39.02.018.g.D. only requires the builder of heavy manufacturing use to build a Type C Bufferyard when abutting residentially zoned or used property.²³⁶ The UDC's rules of construction under Section 39.10.001.o. holds that the text of the UDC controls over tables in cases of inconsistency.²³⁷
- Lubbock City Council sides with the citizens of majority White neighborhoods when they oppose upzoning but does not do so when residents of color make similar requests. On February 28, 2023, City Council rejected a developer's application to build high-rise student housing near the Tech Terrace neighborhood across from Texas Tech University.²³⁸ Tech Terrace is a majority White neighborhood. In opposition to the developer's application, residents voiced concerns that the height of the proposed development would allow apartment dwellers to see into the backyards in the neighborhood and that the project would not provide adequate parking and traffic mitigation. P&Z had previously recommended that City Council approve the request, but City Council responded to Tech Terrace's residents' concerns. City Council voted to reject the zoning application due to the possible harms associated with high-rise student housing.²³⁹

In contrast, when the Lubbock Economic Development Alliance asked City Council to annex and rezone to M-2 zoning 407 acres of land in East Lubbock to accommodate the Leprino Cheese Factory, Council unanimously voted for the zoning change despite the fact that the rezoning contradicted the 2040 Plan²⁴⁰ and nearby residents of color opposed the zoning change.²⁴¹ Further, despite requests from the representatives of neighborhoods of color in the north and east sides, Council did not take action to remove industrial zoning near neighborhoods in the new zoning map of UDC. However, Council was more than willing to hear and appease concerns from residents in majority White neighborhoods over additional non-hazardous residential facilities. Time after time, the City honors the wishes of White neighborhoods to keep non-hazardous uses like billboards or student housing in their neighborhoods, but continually ignores the very real concerns of Black and Hispanic neighborhoods opposing hazardous industrial development.

- Finally, the City discriminatorily excludes a majority of its Black and Hispanic citizens from P&Z, the board with the most influence on zoning decisions. As stated above, the nine voting members of P&Z must be residents and real property taxpayers of the City of Lubbock, excluding renters from

²³⁵ See *supra* p. 33.

²³⁶ UDC, LUBBOCK, TEX., CODE OF ORDINANCES ch. 39. (May 9, 2023), <https://online.encodeplus.com/regs/lubbock-tx/doc-viewer.aspx#secid-1620> (Effective: Oct. 1, 2023).

²³⁷ See *id.*

²³⁸ See Mateo Rosales, *Request denied, Lubbock council rejects Tech Terrace student housing project*, LUBB. AVALANCHE-JOURNAL (Feb. 28, 2023), <https://www.lubbockonline.com/story/news/local/2023/02/28/request-denied-lubbock-council-rejects-tech-terrace-student-housing-project/69954715007/>.

²³⁹ See *id.*

²⁴⁰ See *supra* Section III.B.1., pp. 24-27.

²⁴¹ See *supra* p. 24; see also *infra* pp. 52-55.

membership.²⁴² This exclusion of renters from serving on P&Z disproportionately excludes Black and Hispanic residents from service. Data from the 2019 American Community Survey shows that Black and Hispanic residents in Lubbock are disproportionately renters, while White, non-Hispanic residents are disproportionately homeowners. Seventy-seven percent of households with a Black householder are renter-occupied.²⁴³ Fifty-five percent of households with a Hispanic householder are renter-occupied.²⁴⁴ Only 40% of households with a White householder are renter-occupied.²⁴⁵

The homeownership requirement for P&Z membership is also arbitrary. Lubbock has more lenient requirements for other City boards; for example, the Community Development and Services Board simply has a residency requirement. Comparable cities do not impose a home ownership requirement to serve on zoning boards or commissions. Amarillo²⁴⁶ and Fort Worth²⁴⁷ only require that a member be a resident and qualified to vote in municipal elections.

Renters are also not entitled to notices of zoning changes under state law. Only property owners within 200 feet of a property subject to a proposed zoning change are entitled to a notice under state law.²⁴⁸ This also has a profound impact on majority Black and Hispanic neighborhoods, which are disproportionately renter-occupied compared with majority White neighborhoods.

4. The City's departures from normal procedures or substantive conclusions when making decisions about zoning in East and North Lubbock are evidence of discrimination against neighborhoods of color

Although the City has continually made zoning decisions that disfavor communities of color in North and East Lubbock since 1923, below are two recent examples of when the City notably departed from normal procedures or its own substantive conclusions.

First, the City continues to use zoning policy, tax incentives, and City-funded economic development strategies to encourage further concentration of industrial zoning in East and North Lubbock despite the 2040 Plan's conclusion that further industrial expansion in these areas should be discouraged. When encouraging Leprino Foods, a cheese and nutrition products manufacturer, to site a massive factory in East Lubbock, the City disregarded its own recommendations of the 2040 Plan to stop industrial growth in East Lubbock and ignored its own FLUM that the City Council approved along with the 2040 Plan in 2018.

²⁴² LUBBOCK, TEX. CODE OF ORDINANCES § 2.03.522 (1983) (the real property taxpayer requirement was included when the first version of this ordinance was passed in 1943).

²⁴³ See Tenure (Black or African American Alone Householder), 2021 American Community Survey 1-Year Estimates for the City of Lubbock, UNITED STATES CENSUS BUREAU, [https://data.census.gov/table?t=Owner/Renter+\(Tenure\):Race+and+Ethnicity&g=160XX00US4845000&tid=ACSDT1Y2021.B25003](https://data.census.gov/table?t=Owner/Renter+(Tenure):Race+and+Ethnicity&g=160XX00US4845000&tid=ACSDT1Y2021.B25003) B (last visited May 24, 2023).

²⁴⁴ See Tenure (Hispanic or Latino Householder), 2021 American Community Survey 1-Year Estimates for the City of Lubbock, UNITED STATES CENSUS BUREAU, [https://data.census.gov/table?t=Owner/Renter+\(Tenure\):Race+and+Ethnicity&g=160XX00US4845000&tid=ACSDT1Y2021.B25003](https://data.census.gov/table?t=Owner/Renter+(Tenure):Race+and+Ethnicity&g=160XX00US4845000&tid=ACSDT1Y2021.B25003) I (last visited May 24, 2023).

²⁴⁵ See Tenure (White Alone, Not Hispanic or Latino Householder), 2021 American Community Survey 1-Year Estimates for the City of Lubbock, UNITED STATES CENSUS BUREAU, [https://data.census.gov/table?t=Owner/Renter+\(Tenure\):Race+and+Ethnicity&g=160XX00US4845000&tid=ACSDT1Y2021.B25003](https://data.census.gov/table?t=Owner/Renter+(Tenure):Race+and+Ethnicity&g=160XX00US4845000&tid=ACSDT1Y2021.B25003) H (last visited May 24, 2023).

²⁴⁶ AMARILLO, TEX. CODE OF ORDINANCES § 2-6-3 (2021).

²⁴⁷ FORT WORTH, TEX. CODE OF ORDINANCES § 2.100(a) (2020).

²⁴⁸ TEX. LOC. GOV'T § 211.007(c) (2013).

In its “Spotlight – Eastern and Northern Lubbock Neighborhoods” section, the 2040 Plan recommended to “disallow expansion of heavy commercial and industrial uses” in areas that are “adjacent to, [upwind], or [upstream of] existing and planned residential development.”²⁴⁹ The new 258-acre Leprino Cheese Factory at 4301 East 19th Street will be upwind and upstream of several neighborhoods in East Lubbock. Most notably, Leprino is applying for a permit from TCEQ to discharge up to 2 million gallons of treated wastewater into the Dunbar Lake daily.²⁵⁰ The Dunbar Manhattan neighborhood lies along the lakeshore; should the discharge of wastewater lead to issues, Dunbar will be one of the areas that is most disproportionately impacted.

The 2040 FLUM planned for Leprino’s location to be used as residential development in the future. The FLUM further recommended that the City downzone the land bordering the Leprino site from industrial to heavy commercial.²⁵¹ Again, the City Council disregarded these recommendations. To support the construction of the facility, the City annexed 407.3 acres of land at East 19th Street and Loop 289 in August of 2021.²⁵² Prior to the City’s annexation, the parcels were used for agriculture.²⁵³ According to tax records, the City-funded Lubbock Economic Development Alliance (“LEDA”) purchased the land on December 29, 2020 and transferred it to Leprino on April 29, 2022.²⁵⁴

Three months after annexation, in October of 2021, the City rezoned the parcels from T (Transitional) to M-2 (Heavy Industrial) in defiance of the 2040 Plan’s FLUM.²⁵⁵ The FLUM identified these parcels as Low Density Residential.²⁵⁶ In the rezoning ordinance, the City alleged that the zoning change was a “minor deviation” from the 2040 Plan.²⁵⁷ However, the City’s FLUM demonstrates that this rezoning was a radical departure from the FLUM. M-2 is on the opposite end of the intensity spectrum from Low-Density Residential as the FLUM had originally envisioned. There was also nothing minor about the size of the rezoning. This is the largest area rezoned for M-2 by a single ordinance since 1979.²⁵⁸ It is also the only rezoning to M-2 outside of an area slated for industrial zoning in the 2040 Plan since the 2040 Plan’s adoption.

While City officials supported the rezoning, nearby residents did not. LEDA’s CEO, John Osborne, indicated in his comments supporting the zoning change that the area was “perfectly situated for economic/industrial development.”²⁵⁹ However, Lily Gabryelle Hernandez, a resident living across the street from the proposed change, expressed concerns about the facility exacerbating the already heavy pollution burden from the “manufacturing companies engulfing the East Loop.”²⁶⁰ Ms. Hernandez also noted that the addition of more M-2 zoning would continue the “uneven distribution of commercial and residential” land uses in Lubbock and

²⁴⁹ 2040 PLAN, *supra* note 6, at 181.

²⁵⁰ TEXAS COMM’N ON ENV’T QUALITY, *supra* note 221.

²⁵¹ See *supra* Figure 11; see *supra* pp. 24-26.

²⁵² See Lubbock, Tex., Ordinance 2021-O0093, *supra* note 78.

²⁵³ See *id.*

²⁵⁴ LUBBOCK COUNTY CENTRAL APPRAISAL DISTRICT, *Leprino Foods Company R136647*, <https://lubbockcad.org/Property-Detail/PropertyQuickRefID/R136647> (last visited May 31, 2023).

²⁵⁵ See Lubbock, Tex., Ordinance 2021-O0142, *supra* note 79.

²⁵⁶ See 2040 PLAN, *supra* note 6, at 51, 53.

²⁵⁷ See Lubbock, Tex., Ordinance 2021-O0142, *supra* note 79.

²⁵⁸ See Lubbock, Tex., Ordinance 7931-1979, *supra* note 80. See also *supra* Figure 12.

²⁵⁹ CITY OF LUBBOCK, *Case Information: Zone Case 3445* at 10, https://destinyhosted.com/lubbodocs/2021/REGCCM/20210928_940/10091_Zone_Case_3445_Documentation.pdf (last visited May 31, 2023).

²⁶⁰ See *id.* at 18-20.

that East Lubbock residents have “endured prolonged effects from redlining”²⁶¹ and “poor and neglectful planning.”²⁶² Several other nearby residents commented in opposition to the zoning change, but the City approved it anyway.

Leprino is not the only industrial facility that the City of Lubbock is allowing to locate near East Lubbock neighborhoods in violation of the 2040 Plan. On December 6, 2022, the City issued Tropicale Foods a building permit to construct a large industrial facility at 1001 East 33rd Street next to the Chatman Hill neighborhood.²⁶³ Tropicale Foods is the manufacturer of Hispanic-inspired frozen desserts. The City classifies the issued permit as a “Commercial Building – Alterations” permit, for limited renovations of 51,555 square feet of the existing 227,000 square foot facility.²⁶⁴ Chatman Hill is a home to mostly Black and Hispanic residents.²⁶⁵ The plant is less than 300 yards from actively used residential property in a Multi-Family (R-3) zoning district and within 420 yards from actively used residential property in a Single Family (R-1) zoning district.²⁶⁶ The facility is located on a parcel that is currently zoned for Heavy Manufacturing (M-2).²⁶⁷ Within the immediate vicinity of the Tropicale Foods plant are a large cotton oil mill and a potato chip manufacturer. It is unclear at this time if Tropicale will need to apply for air, water, and other permits from the Texas Commission on Environmental Quality.

With the City’s blessing, the Leprino Foods and Tropicale Foods facilities will add to the list of the many industrial facility located in East Lubbock’s residential areas in violation of the City’s own written policies. The City continues its discriminatory practice of siting M-2 zoning and heavy industry primarily in Black and Hispanic neighborhoods. This practice reinforces the reality that the City’s written policies against siting industry in residential areas²⁶⁸ only apply to White residential areas.

A second example of departure from normal procedures was the City prohibiting the Comprehensive Plan Advisory Committee (“CPOC”) from discussing the amortization of nonconforming industrial uses in East and North Lubbock. The CPOC is tasked with overseeing the progress of the 2040 Plan. City staff advised the CPOC that considering amortization was outside CPOC’s jurisdiction and further advised CPOC that City staff would not provide research or other resources to allow the CPOC to make recommendation on the subject.²⁶⁹ At a City

²⁶¹ Redlining was government-sponsored lending discrimination during the New Deal in which the federal government restricted the issuance of government-insured mortgages in Black and Hispanic neighborhoods. The terms comes from the maps issued by the federal government that color coded neighborhoods based on how “hazardous” the government deemed them to be for insuring mortgages. Neighborhoods of color where determined to be the most hazardous and shaded red. See: Candace Jackson, *What Is Redlining*, THE NEW YORK TIMES (Aug. 17, 2021), <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>.

²⁶² See CITY OF LUBBOCK, *Case Information: Zone Case 3445* at 18-20.

²⁶³ See CITY OF LUBBOCK, *City of Lubbock Citizen Self Service Access Permit Number: COMM-150653-2022*, https://egovaccess.ci.lubbock.tx.us/EnerGov_Prod/SelfService/#/permit/14f6fcbb-9b98-4555-a89f-db029867b160 (Last visited May 31, 2023); see also Tropicale Foods, *Tropicale Foods LLC Announces Major Investment In New Manufacturing Facility to Support the Company's Continued Growth*, GLOBENEWSWIRE (Sept. 20, 2022), <https://www.globenewswire.com/news-release/2022/09/20/2519672/0/en/Tropicale-Foods-LLC-Announces-Major-Investment-In-New-Manufacturing-Facility-to-Support-the-Company-s-Continued-Growth.html>.

²⁶⁴ See CITY OF LUBBOCK, *City of Lubbock Citizen Self Service Access Permit Number: COMM-150653-2022*. The facility was formerly the site of Dynamic Foods, a food manufacturer.

²⁶⁵ 2021 American Community Survey 5-Year Estimates for Census Tract 12, Lubbock, TX, CENSUS REPORTER, <https://censusreporter.org/profiles/14000US48303001200-census-tract-12-lubbock-tx/> (last visited Jun. 20, 2023).

²⁶⁶ These measurements were made using Google Earth and the City of Lubbock Zoning Map Viewer (Lubbock, Tex., Zoning Map Viewer, <https://cityoflubbock.maps.arcgis.com/apps/webappviewer/index.html?id=c8af6e86519349df8487ae10bf349077>).

²⁶⁷ Lubbock, Tex., Ordinance 3959-1962 (Nov. 8, 1962) <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=264092&dbid=5&repo=Lubbock>.

²⁶⁸ UDC, § 39.02.006.g (General Industrial provides “for more intensive industrial uses (non-retail) that are **ideally located away** from residential areas.” (emphasis added)).

²⁶⁹ *Special City Council Meeting: 8.26.21*, *supra* note 102 (timestamp at 0.00).

Council meeting, a local advocate chided the City Council for City staff's decision to prohibit CPOC from considering residents' concerns.²⁷⁰

The City's excuse for prohibiting CPOC from discussing amortization, that considering amortization was outside the CPOC's jurisdiction, contradicted the resolution City Council approved when forming the CPOC. City Council appointed the CPOC to serve in an "advisory capacity" for City Council regarding the 2040 Plan. According to the resolution, CPOC's primary task is to "meet with city staff and consultants to hear reports and updates regarding [2040] Plan implementation, and in turn report its findings to City Council."²⁷¹ Learning about and discussing amortization and other downzoning strategies clearly fits into this purview, since the 2040 Plan discusses industrialization in East and North Lubbock. CPOC Chair John Zwaicher also recognized that zoning was an issue the CPOC cared about deeply and advised the City Council to consider the issue when drafting the UDC at a City Council meeting.²⁷²

Under the *Arlington Heights* framework, the evidence above shows that the City intentionally discriminated against Black and Hispanic residents. The City intentionally discriminated against Black and Hispanic residents when it enacted the Unified Development Code and the new Zoning Map by continuing a longstanding tradition of racially discriminatory zoning and land use designations and straying from the City's own recommendations against industrial zoning in North and East Lubbock. As a result, the City subjects Black and Hispanic residents to serious and real harms while protecting White residents from those harms. At every turn, the City ignored pleas from Black and Hispanic residents while listening and acting upon the requests of White residents. The City's continual and intentional discrimination against Black and Hispanic residents in North and East Lubbock must stop.

B. Disparate Impact: The UDC and the Zoning Map have an unlawful disparate impact on neighborhoods of color

The UDC and the new Zoning Map also have an unlawful disparate impact under Title VI. Policies that have a negative disparate impact upon protected classes are unlawful under Title VI even if the challenged policy is not found to be intentionally discriminatory. Courts use a three-part test to evaluate disparate impact claims – the DOJ Title VI Manual sets out the disparate impact test as follows:

*First, does the adverse effect of the policy or practice **disproportionately affect members of a group identified by race, color, or national origin**? Some courts refer to this first inquiry as the “prima facie” showing.*

*If so, can the recipient demonstrate the existence of a **substantial legitimate justification** for the policy or practice? A violation is still established if the record shows the justification offered by the recipient was **pretextual**.*

*Finally, is there an **alternative** that would achieve the same legitimate objective but **with less of a discriminatory effect**? If such an alternative is available to the recipient, even if the recipient establishes a justification, the policy or practice will still violate disparate impact regulations.²⁷³*

²⁷⁰ See *id.*

²⁷¹ LUBBOCK, TEX., Resolution 2019-R0061 (Feb. 25, 2019), <https://weblink.ci.lubbock.tx.us/WebLink/DocView.aspx?id=163191&dbid=5&repo=Lubbock>.

²⁷² *Joint Planning & Zoning/City Council Meeting 3.25.2021*, *supra* note 96.

²⁷³ DOJ Title VI Legal Manual, at Section VII.C (internal citations omitted).

The UDC and the new Zoning Map fail each part of the three-part test and have a disparate impact upon Lubbock's Black and Hispanic residents. This section will discuss each part in turn.

1. There is a *prima facie* showing that the UDC and the Zoning Map disproportionately and negatively affect Black and Hispanic residents in Lubbock

There is ample evidence above that the UDC and the Zoning map disproportionately affect Black and Hispanic residents in Lubbock by concentrating heavy industrial zoning in the East and North sides. To summarize, 57% of Lubbock's Black, non-Hispanic residents and 38% of Lubbock's Hispanic residents live in census blocks that are within one mile of M-2 or GI Zoning. M-2 or GI zoning is the most intensive zoning designation allowing for the most potentially hazardous industrial uses. Only 17% of Lubbock's White population live within the same bounds. Please refer to Section VI.A.1. for a complete description of how the UDC and the Zoning Map have a disproportionate, negative impact on Black and Hispanic residents.

2. The City does not have a substantial and legitimate justification to concentrate industrial zoning near communities of color in East and North Lubbock

Lubbock does not have a legitimate justification for concentrating heavy industrial zoning near East and North Lubbock neighborhoods. The 2040 Plan attempts to rationalize the policy by arguing that "Lubbock's most intensive land uses in the area [East and North Lubbock] predate residential development."²⁷⁴ However, even a quick review of Lubbock's history proves this argument false. The City of Lubbock forced industry and people of color east and north starting with the 1923 ordinance. The Urban Renewal efforts of the 1950's and 1960's built eastside neighborhoods specifically for Black occupation and concurrent city plans surrounded them with industrial zoning. The 1986 Comprehensive Plan massively expanded industrial zoning around the Parkway-Cherry Point and Clayton Carter neighborhood after Whites had fled those areas in response to desegregation of public schools.

While some city leaders have pointed to the railroad as a justification for the concentration of industry in the east and north sides, this justification is just as flimsy. Lubbock has railroad lines on the west and southwest sides of town as well, but those areas have never seen the type or frequency of industries that were developed near Black and Hispanic neighborhoods. In fact, even though the industrial zoning in the west side of town predated most residential development in the area, the 2040 Plan recommends downzoning the only substantial portion of industrial zoning in the southwest side of town while leaving almost all of Lubbock's industrial zoning in north and east side neighborhoods.²⁷⁵ The City of Lubbock has no substantial justification for keeping the lion's share of industrial zoning in the east and north sides when it removes industrial zoning in the west side of town, which also has railroad access and room for industrial zoning.

By contradicting the 2040 Plan, the City has also demonstrated that it lacks a substantial and legitimate justification for continued industrialization on the north and east sides. The 2040 Plan recommended downzoning and limiting additional industrial development in the north and east sides.²⁷⁶ Every instance of additional industrial development in the north and east sides, including the Leprino and Tropicale Foods sites, is in violation of the City's own stated policy and cannot be legitimately justified.

²⁷⁴ 2040 PLAN, *supra* note 6, at 176.

²⁷⁵ See *supra* Figure 10.

²⁷⁶ 2040 PLAN, *supra* note 6, at 181.

3. Less discriminatory alternatives are available to meet Lubbock's industrial needs

The City has other options available for siting future industrial facilities instead of continuing to concentrate industrial zoning in East and North Lubbock. As shown in Figure 18 to the right, the 2040 Plan suggests the City create a new industrial area at Reese Center, an old air force base west of Lubbock. This area has railroad access to the Lubbock and Western Railway²⁷⁷ and will have freeway access to the new Loop 88. The area is also far from major population centers. Currently, there is no indication that the City has taken any action to carry out this recommendation. There is also additional industrial land north of the airport far from existing neighborhoods with access to Interstate 27. The City should encourage future heavy industrial projects to locate in these areas and not allow more heavy industry to move into East or North Lubbock neighborhoods.

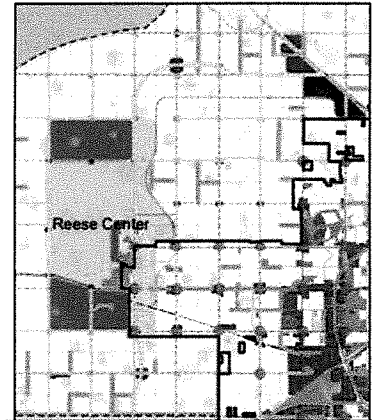


Figure 18: Excerpt from 2040 Plan FLUM showing Reese Center – industrial land use shaded purple

Because locating industrial activity at the Reese Center is a less discriminatory alternative that the City itself has indicated as possible through the 2040 Plan, and because there is additional industrial land north of the airport and far from existing neighborhoods, the City must take action to ensure a fairer, less discriminatory result for East and North Lubbock neighborhoods. To implement these less discriminatory alternatives, the City should immediately begin downzoning vacant industrially zoned land next to neighborhoods to prevent future industrial businesses locating in this area. The City should not grant requests for zoning changes to M-2 or GI in areas near residential neighborhoods. Finally, the City should begin downzoning industrial land home to harmful industries that are impacting the quality of life of residents pursuant to the state-mandated terms of SB 929.²⁷⁸

²⁷⁷ See WATCO, *Lubbock & Western Railway*, <https://www.watco.com/service/rail/lubbock-and-western-railroad-lbwr/>, (last visited May 31, 2023).

²⁷⁸ *Supra* note 11.

VI. RELIEF REQUESTED

NELC respectfully requests HUD and Treasury immediately investigate and take action to stop the City of Lubbock's zoning and land use policies and practices that discriminate against Black and Hispanic residents in North and East Lubbock and subject these residents to unlawful disparate impacts. These actions violate Title VI and must be remedied. The actions listed below are mechanisms by which the City can begin to create a fairer, less discriminatory zoning system for North and East Lubbock.

NELC seeks the following relief:

1. Immediately impose a moratorium on permitting new industrial development within 500 yards of residential development until all Neighborhood Plans for East and North Lubbock neighborhoods are complete;
2. During the neighborhood planning process, amend the 2040 Plan and its Future Land Use Map ("FLUM") by downzoning industrial or heavy commercial areas that are less than 500 yards from residential development;
3. Downzone parcels that are M-1 and M-2 in Lubbock's current Zoning Map and LI and GI in the Unified Development Code that are not identified as industrial or heavy commercial in the FLUM;
4. Downzone current vacant, abandoned, or nonoperational M-1 and M-2 parcels and LI and GI in the Unified Development Code within 500 yards of residential development by December 31, 2024;
5. Downzone industrial land within 500 yards of residential development to a more compatible zoning designation by December 31, 2024 and relocate nuisance industries by or before 2040;
6. Allocate substantial and adequate funding to comply with SB 929 which instructs how a City may terminate a nonconforming use;
7. Allocate substantial and adequate funding to remediate²⁷⁹ and/or remove abandoned and blighted structures on the industrial land the City rezones to a more compatible, less noxious category;
8. Allocate substantial and adequate funding to carry out the recommendations of the Neighborhood Plans for each East and North Lubbock neighborhood; and
9. Work with the TCEQ to install official TCEQ air monitors capable of rendering near real-time measurements for volatile organic compounds and particulate matter smaller than 10 microns and 2.5 microns in North and East Lubbock near pollution sources by December 31, 2024.

²⁷⁹ *Supra* note 10.

VII. CONCLUSION

Lubbock prides itself on being “the Friendliest City in America”²⁸⁰ and in many ways that is true. Most Lubbockites are fair-minded people who are always ready to crack a joke with a stranger or help a neighbor in need. But these good-hearted values are not reflected in Lubbock’s zoning laws. Lubbock’s zoning and land use system is still imbued with the hateful attitudes of what should be a bygone era. Although residents have repeatedly urged City leaders to exorcise old prejudices from the laws and protect all neighborhoods equally, these leaders have chosen to leave them in place.

Every resident in North and East Lubbock deserves to be treated the same way as someone living in Southwest Lubbock. Every Lubbock child deserves to grow up in a neighborhood free from the foul smells, noises, and nuisances of polluting industries. Everyone who calls Lubbock home deserves to know that their City leaders will protect their health, safety, and quality of life no matter their race and ethnicity. Lubbock’s values and the law require nothing less.

The North and East Lubbock Coalition requests HUD and Treasury’s assistance to ensure all residents of Lubbock enjoy the equal protection of the law. NELC remains willing and ready to work with the City of Lubbock, HUD, and Treasury to bury these old patterns of discrimination and realize a fair future for everyone.

²⁸⁰ Nicole Crites, *Is Lubbock the Friendliest City in America*, THE HUB @TTU (May 10, 2016), <https://www.ttuhub.net/2016/05/is-lubbock-the-friendliest-city-in-america/>

STOP Attachment 3: EJScreen East Lubbock Community Report



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

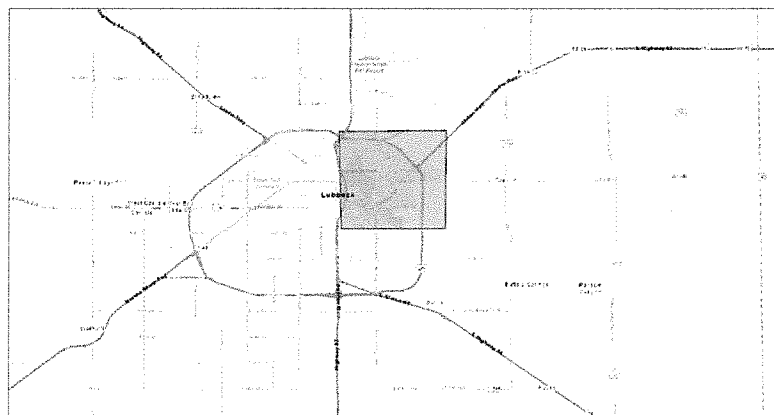
Lubbock, TX

the User Specified Area

Population: 11,324

Area in square miles: 15.51

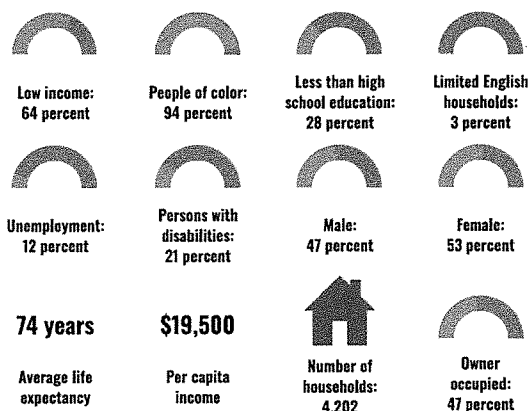
A3 Landscape



October 24, 2023
East Lubbock

Downloaded from EPA's EJScreen
Data Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021
Data Date: 10/24/2023

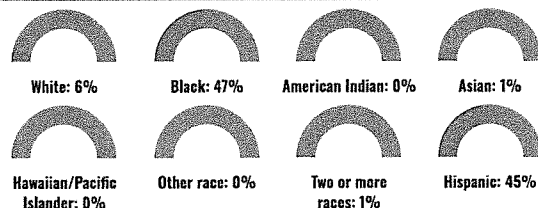
COMMUNITY INFORMATION



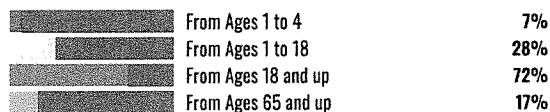
LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	73%
Spanish	26%
Total Non-English	27%

BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

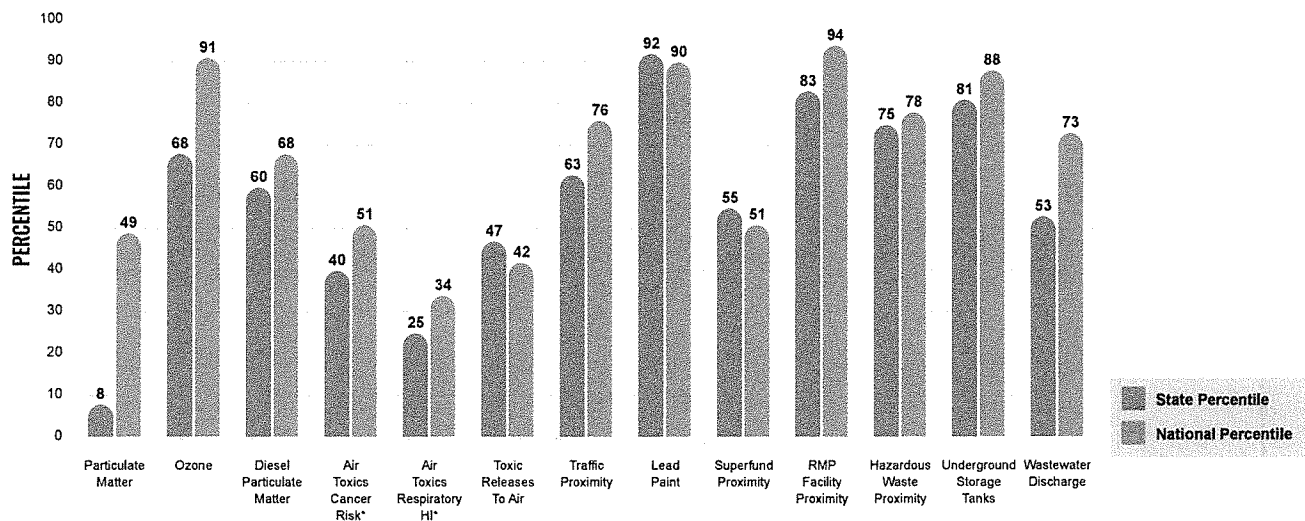
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJSreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJSreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

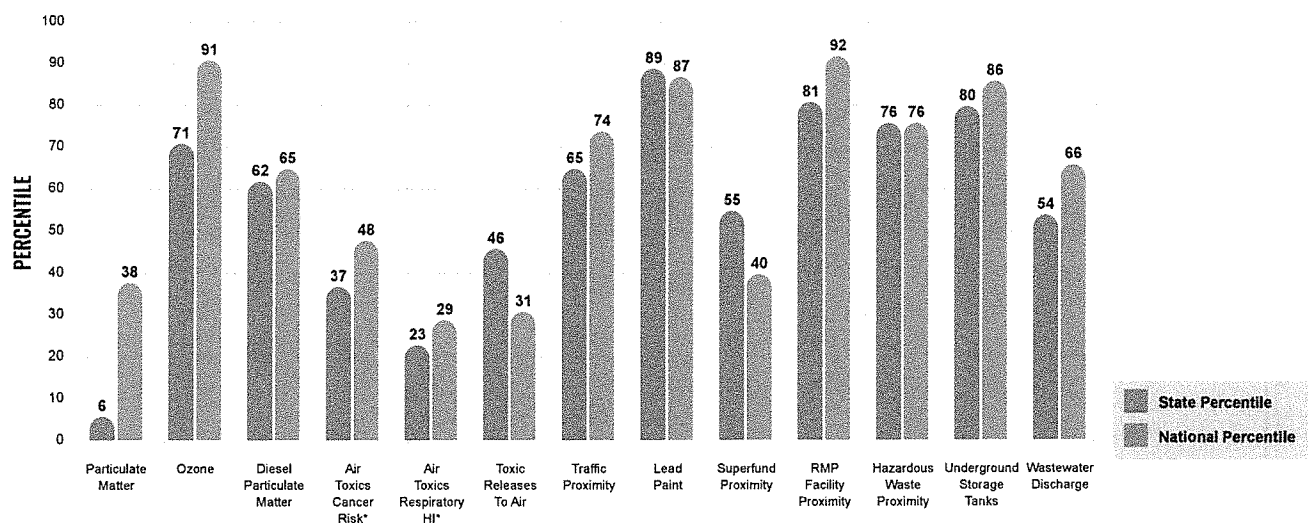
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for the User Specified Area

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter ($\mu\text{g}/\text{m}^3$)	6.7	9.11	3	8.08	15
Ozone (ppb)	63	64.6	36	61.6	63
Diesel Particulate Matter ($\mu\text{g}/\text{m}^3$)	0.14	0.218	30	0.261	28
Air Toxics Cancer Risk* (lifetime risk per million)	20	28	1	25	5
Air Toxics Respiratory HI*	0.2	0.3	1	0.31	4
Toxic Releases to Air	23	12,000	21	4,600	12
Traffic Proximity (daily traffic count/distance to road)	55	150	38	210	42
Lead Paint (% Pre-1960 Housing)	0.34	0.17	80	0.3	61
Superfund Proximity (site count/km distance)	0.018	0.085	25	0.13	15
RMP Facility Proximity (facility count/km distance)	0.53	0.63	64	0.43	77
Hazardous Waste Proximity (facility count/km distance)	0.32	0.75	52	1.9	43
Underground Storage Tanks (count/km ²)	2.3	2.3	62	3.9	62
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.00012	0.91	26	22	32
SOCIOECONOMIC INDICATORS					
Demographic Index	79%	46%	90	35%	95
Supplemental Demographic Index	26%	17%	83	14%	91
People of Color	94%	58%	85	39%	91
Low Income	64%	34%	87	31%	91
Unemployment Rate	12%	5%	87	6%	86
Limited English Speaking Households	3%	8%	53	5%	69
Less Than High School Education	28%	16%	78	12%	90
Under Age 5	7%	6%	57	6%	65
Over Age 64	17%	14%	69	17%	57
Low Life Expectancy	25%	20%	93	20%	91

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	62
Air Pollution	2
Brownfields	0
Toxic Release Inventory	4

Other community features within defined area:

Schools	7
Hospitals	3
Places of Worship	27

Other environmental data:

Air Non-attainment	No
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (OEJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for the User Specified Area

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	25%	20%	93	20%	91
Heart Disease	8.3	5.9	87	6.1	86
Asthma	11.9	9.2	98	10	90
Cancer	5.1	5.2	49	6.1	26
Persons with Disabilities	19.7%	12.3%	88	13.4%	85

CLIMATE INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	12%	10%	80	12%	73
Wildfire Risk	80%	30%	76	14%	89

CRITICAL SERVICE GAPS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	34%	15%	88	14%	91
Lack of Health Insurance	20%	18%	61	9%	92
Housing Burden	Yes	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

Footnotes

Report for the User Specified Area

Wendi Hammond submitted a SD card containing an audio file of the Informal Discussion Period at the October 24, 2023, Public Meeting.

To hear the audio file of the Informal Discussion Period submitted:

Please contact the
Office of the Chief Clerk at:
(512) 239-3300 or chiefclk@tceq.texas.gov

or

Please visit the
Office of the Chief Clerk at:
12100 Park 35 Circle,
Building F, Suite 1101
Austin, Texas 78753

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, June 19, 2023 8:07 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005417000
Attachments: 2023-0617_SupplementalPublicComments-WH.pdf

PM
H

From: hammondw@lanwt.org <hammondw@lanwt.org>
Sent: Saturday, June 17, 2023 4:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005417000

REGULATED ENTY NAME LEPRINO FOODS LUBBOCK MFG FACILITY

RN NUMBER: RN111422333

PERMIT NUMBER: WQ0005417000

DOCKET NUMBER:

COUNTY: LUBBOCK

PRINCIPAL NAME: LEPRINO FOODS COMPANY

CN NUMBER: CN605980739

NAME: Wendi Hammond

EMAIL: hammondw@lanwt.org

COMPANY: Legal Aid of NorthWest Texas

ADDRESS: 400 S ZANG BLVD 1420
DALLAS TX 75208-6600

PHONE: 2142432583

FAX: 8177361602

COMMENTS: See attachment: 2023-0617_SupplementalPublicComments-WH



Legal Aid of North West Texas

COMMUNITY REVITALIZATION PROJECT
1001 Main Street, Ste. 502, Lubbock, Texas 79401
806-763-4557

CRP offices in Amarillo, Dallas, Fort Worth, and Lubbock

June 17, 2023

Via Electronic submission: www14.tceq.texas.gov/epic/eComment/

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

Re: Supplemental Public Comments, Request for Public Meeting and Request for a Contested Case Hearing on Application for Water Quality Permit and for TDPES Permit for Industrial Wastewater for Leprino Foods Company, Permit WQ0005417000

Dear Ms. Gharis:

On behalf of our client, S.T.O.P – Stop the Oppression of Our People (STOP), Legal Aid of North West Texas (LANWT) submits this supplement in the above named and numbered matter the following:

- request for a public meeting,
- request for a contested case hearing, and
- public comments.

STOP opposes the application of Leprino Foods Company (Leprino or Applicant) for the issuance of a Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000. The Commission should deny Applicant's permit application for the reasons set forth below.

All contact with STOP and its members regarding this matter should be through its legal counsel:

Mark Oualline, Staff Attorney
Legal Aid of North West Texas
1001 Main St., Ste. 502
Lubbock, TX 79401
Fax: (817) 736-1602
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I. Supplemental Public Comments

This section expands upon the previously submitted request for a public meeting and contested case hearing including the list of relevant and material disputed issues for a public meeting, contested case hearing, and public comments.

For clarity, STOP's public comments include and incorporate by reference all current and previously submitted relevant and material disputed issues for a contested case hearing. Moreover, the examples being provided within the public comments sections are often applicable to several of the separately listed "relevant and material disputed issues for a contested case hearing," and therefore, unable to be attributed to a single identified and bulleted "relevant and material disputed issue."

As such, the previous "public comments" and current "supplemental public comments" sections are in addition to, and in no way should be construed to limit in any way, the separately identified bulleted issues provided within the "relevant and material disputed issues for a contested case hearing" section(s). Rather all bulleted issues should be addressed at a public meeting, in the Executive Director's Response to Comments, and referred for a contested case hearing.

Additional examples of Problems with the Application and Technical Review includes, but is not limited to:

The Applicant, draft permit and TCEQ's technical review is woefully inadequate considering that Applicant's wastewater will discharge into known impaired water bodies.¹ STOP members are already adversely impacted by the existing and ongoing odor problem in and around Canyon Lake #6. This chronic odor problem could be exacerbated by the addition of more pollutants from Applicant's proposed wastewater discharge.

Elevated bacteria levels, including Enterococci, is one of the reasons for the water bodies' impairment listings. For example, the Double Mountain Fork Brazos River is currently designated in the 2022 Texas Integrated Report – Texas 303(d) List (Category 5) as a Category 5c impaired water body, which requires TCEQ to collect and evaluate additional data and information for selecting a management strategy. The North Fork Double Mountain Fork Brazos River is also listed as impaired, and the impaired section includes the portion of the river that has been impounded to create Canyon Lake #6.

TCEQ admits that "the storage and conveyance of raw materials, intermediate, and final products expected at a cheese manufacturing facility is anticipated to be conducive to bacterial growth."² However, TCEQ's preliminary antidegradation review fails to fully comply with the requirements of the federal Clean Water Act and imposed upon TCEQ through its delegated

¹ Applicant's effluent will be discharged to Canyon Lake # 6, thence to North Fork Double Mountain Fork Brazos River, thence to Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin.

² See, Statement of Basis/Technical Summary and Executive Director's Preliminary Decision, page 2.

authorization. Instead, the Executive Director's Preliminary Decision states that "[a]ll determinations are preliminary and subject to additional review and revisions.... if new information is received."

However, by failing to timely develop an EPA approved TMDL for the water bodies impacted by Applicant's permit application and by failing to conduct a more thorough antidegradation review of the application, TCEQ has inappropriately abandoned its duty and shifted most, if not all, of TCEQ's regulatory review burden onto a low-income, minority-majority community that is not equipped to thoroughly collect and evaluate all of the necessary scientific data within a limited 30 day public comment period. Therefore, TCEQ must conduct a much more thorough evaluation of the impacts on water quality and antidegradation from Applicant's permit application.

Likewise, TCEQ should also remove the option of Applicant utilizing less stringent seasonal effluent limits. Instead, the permit should require Applicant to maintain year-round the more stringent effluent limits, especially when estimated and standardized default values were used for the modeling despite TCEQ's knowledge that Applicant's discharge will occur in chronically impaired water bodies.

For example, it appears the modeling review had to rely on elevation information from a USGS topographic map that predated the construction and impoundment of the lake to develop depth estimates for the entire lake cross-sections. While TCEQ staff "thinks" the modeling is protective, the staffer openly admits that the modeling is definitely "not overly conservative." This is yet another example of TCEQ wiggling out of its regulatory duty to thoroughly analyze the application and modeling and instead shifts the burden to ill-equipped community members by stating that the agency's "preliminary determination can be reexamined and may be modified if new information is received." TCEQ's actions like this do not satisfy the intent, purpose and requirements of state and federal water laws.

Moreover, Applicant requested various reductions in the frequency of several initially proposed draft permit monitoring and reporting requirements; however, considering the existing water bodies' impairment problems, the draft permit's monitoring and reporting requirements should be more—not less—stringent.

Additional examples of Problems with the Draft Permit includes, but is not limited to:

Under the draft permit's "Other Conditions" section, item 1 fails to require that Applicant report violations of daily maximum limitations for any pollutants to TCEQ Region 2.

Under the draft permit's "Other Conditions" section, item 5 the chronic aquatic life mixing zone needs to be more stringent considering the existing water bodies' impairment problems.

Under the draft permit's "Other Conditions" section, item 8 "Bacterial Study," the parameter conditions for the single grabs need to be more stringent and the frequency of the grabs need to be increased considering the existing water bodies' impairment problems. Furthermore, all of the details concerning the "Bacterial Study" requirements should be provided within the issued

permit so the public will have access to all of the “Bacteria Study” requirements in one document rather than having to compile all applicable requirements from multiple documents and sections.

Additionally, the time frame for submitting the “Bacterial Study” report to TCEQ must be decreased. Currently, the draft permit may allow up to 9 months of increased water body impairment before the report is submitted and available to the public for review. Moreover, this provision should not expire on the date of permit expiration, but should automatically be included in any permit renewal.

Under the draft permit’s “Other Conditions” section, item 9 should prohibit the acceptance of wastewaters from third party sources. If the applicant wishes to accept wastewater from third party sources, then Applicant should be required to go through the amendment process thereby allowing meaningful public participation and review of any permitting changes.

Under the draft permit’s “Other Conditions” section, item 10 should explain the parameters for defining what is meant by the phrase “believed to be present” for Table 4 and should require more than one sampling event.

Under the draft permit’s “Special Provisions for Disposal Via Evaporation,” item 2 should also include a daily gallons per day maximum limit and require daily recordkeeping for total gallons per day flow of High-TDS water routed to the evaporation ponds. A daily limitation and the resulting recordkeeping data will be necessary to thoroughly evaluate any potential cause of future increased degradation of the already impaired water bodies receiving effluent discharges. For example, by requiring only an annual average flow limitation, the draft permit may inadvertently allow the Applicant to potentially evade necessary and more stringent discharge pollutant requirements or to evade detection of potential effluent limit violations by simply strategically and periodically increasing flows to the evaporation ponds.

Under the draft permit’s “Special Provisions for Disposal Via Evaporation,” “Pond Requirements” item 3E(4) states that the “permittee is not required to ... inspect below the waterline during these routine inspections.” A similar statement is also provided in item 3F. However, the draft permit should provide a requirement for and guidance on how to inspect the pond liner below the waterline. For example, if the Applicant regularly maintains a very low waterline in the pond, then the Applicant should be required to conduct an inspection before filling up the pond and raising the waterline.

Under the draft permit’s “Special Provisions for Disposal Via Evaporation,” “Pond Requirements,” item 3G should include a clear statement on whether or not item 3G(3) is applicable and if so, which evaporation pond to which it applies. The inclusion of permit provisions that may or may not apply hinder the public’s ability to efficiently and properly evaluate whether the Applicant is continuing to lawfully operate. Furthermore, the draft permit seems to include contradictory language between items 3G and 4; therefore, TCEQ needs to clarify which requirement is applicable and enforceable.

Under Permit Conditions, item 3 “Inspections and Entry” should also include a statement that Texas Government Code, Chapter 552, applies and that Applicant must provide for potential

inspection and copying any records that TCEQ has a right of access to and is typically kept only by the Applicant whenever the public information is requested by and responsive to an open records request filed with TCEQ.

Conclusion

In light of these issues, STOP again requests a public meeting and a contested case hearing on the application for **Permit WQ0005417000**. Moreover, STOP urges TCEQ to deny the application based on the information already available.

Respectfully submitted,

Mark Oualline

A handwritten signature in black ink, appearing to read "Werdi Hammond", is written over a printed name.

Werdi Hammond

Counsel for S.T.O.P – Stop the Oppression of Our People (STOP)

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Friday, June 16, 2023 4:03 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005417000
Attachments: 2023-0616_Contested Case Hearing request WQ0005417000.pdf

PM
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From: ouallinem@lanwt.org <ouallinem@lanwt.org>
Sent: Friday, June 16, 2023 3:27 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005417000

REGULATED ENTY NAME LEPRINO FOODS LUBBOCK MFG FACILITY

RN NUMBER: RN111422333

PERMIT NUMBER: WQ0005417000

DOCKET NUMBER:

COUNTY: LUBBOCK

PRINCIPAL NAME: LEPRINO FOODS COMPANY

CN NUMBER: CN605980739

NAME: Mark Oualline

EMAIL: ouallinem@lanwt.org

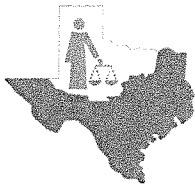
COMPANY: LANWT

ADDRESS: 1001 MAIN ST Suite 502
LUBBOCK TX 79401-3321

PHONE: 8066963600

FAX:

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Legal Aid of NorthWest Texas

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CRP offices in Amarillo, Dallas, Fort Worth, and Lubbock

June 16, 2023

Via Electronic submission: www14.tceq.texas.gov/epic/eComment/

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

Re: Public Comments, Request for Public Meeting and Request for a Contested Case Hearing on Application for Water Quality Permit and for TDPES Permit for Industrial Wastewater for Leprino Foods Company, Permit WQ0005417000

Dear Ms. Gharis:

On behalf of our client, S.T.O.P – Stop the Oppression of Our People (STOP), Legal Aid of NorthWest Texas (LANWT) submits in the above named and numbered matter the following:

- request for a public meeting,
- request for a contested case hearing, and
- public comments.

STOP opposes the application of Leprino Foods Company (Leprino or Applicant) for the issuance of a Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005417000. The Commission should deny Applicant's application for the reasons set forth below.

All contact with STOP and its members regarding this matter should be through its legal counsel:

Mark Oualline, Staff Attorney
Legal Aid of NorthWest Texas
1001 Main St., Ste. 502
Lubbock, TX 79401
Fax: (817) 736-1602
phone: (806) 696-3600 Ext. 6050
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I. Requests for Public Meeting

S.T.O.P – Stop the Oppression of Our People (STOP) requests a public meeting. Substantial public interest in this proposed facility exists, and therefore, a public meeting is necessary.

Leprino Foods Company (Leprino or Applicant) has applied for new water quality and industrial wastewater permits for a new facility for the manufacture of cheese located at 4301 East 19th, Lubbock, Texas 79403, with their wastewater facility being located at 4502 East 4th, Lubbock, Texas 79403.

STOP is a small nonprofit membership organization that advocates for the health and safety of the community by educating and addressing environmental concerns stemming from polluting industries that are concentrated in East Lubbock. The group is composed of Lubbock residents, most of whom are people of color living in the predominately low-income neighborhoods surrounding Dunbar Lake, also known as Lake Six and the location of Leprino's proposed wastewater outfall.

STOP has received feedback from its members and the community-at-large about concerns with Applicant's proposed TPDES permit application. In response to these concerns, STOP has collected for submittal into the record 156 individual community member requests for a public meeting. (See Attachment 1). Considering the number of public meeting requests from the community and the public comments provided below, STOP establishes a substantial public interest that warrants a public meeting.

II. Request for a Contested Case Hearing

S.T.O.P – Stop the Oppression of Our People (STOP) requests a contested case hearing on behalf of its members.

The interests the organization seeks to protect are germane to the organization's purpose. As previously stated, STOP is a small nonprofit membership organization that advocates for the health and safety of the community by educating and addressing environmental concerns stemming from polluting industries that are concentrated in East Lubbock.

Applicant's effluent will be discharged to Canyon Lake #6 (which is located in East Lubbock), 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.

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Therefore, STOP's members may be adversely affected by the Applicant's proposed TPDES permit in a way not common to the general public because members of STOP live near and recreate on Lake Six. STOP members are concerned about the impact Leprino's wastewater will have on the lake and their surrounding community. They do not feel the application has sufficiently addressed the impact new pollutants upwards of 2.0 million gallons a day will have on the safety and quality of the water.

Furthermore, neither the claim asserted nor the relief requested requires the participation of the organization's individual members in the case; and one or more member(s) would otherwise have standing to request a hearing in their own right.

For example:

- Ms. Sonya Fair, treasurer of STOP, opposes the above permit application for the effects it will have on Lake Six. Ms. Fair resides at 1821 Manhattan Drive, Lubbock, Texas 79404; her backyard overlooks the lake, with her property line approximately 300 ft. from the water and less than ¼ mile from the outfall pipe that will continuously carry wastewater from Leprino to the lake. She is concerned that the wastewater discharge will interfere with her use and enjoyment of her property, will harm wildlife in and around the lake, and will severely impact the use and enjoyment of the lake as a beloved recreation area for the community.

III. Relevant and Material Disputed Issues for a Contested Case Hearing Raised During the Public Comment Period

The following relevant and material disputed issues should be referred to the State Office of Administrative Hearings for a contested case hearing:

- Whether the public notice fails to comply with applicable federal and state laws, rules and regulations.
- Whether the application or proposed permit would violate the provisions of any state or federal law, rule or regulation.
- Whether the application or draft permit fails to require the use of all reasonable methods to implement and prevent interference with the purpose of Chapter 5 and 26 of the Texas Water Code.
- Whether the application or draft permit fails to maintain the quality of water in the state consistent with public health and enjoyment.

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- Whether the application or draft permit fails to maintain the propagation and protection of terrestrial and aquatic life.
- Whether the application or draft permit fails to maintain the quality of water in the state consistent with the operation of existing industries, including but not limited to, protecting the public from cumulative risks in an area of concentrated operations.
- Whether the application fails to include the requisite information necessary to determine compliance with applicable federal and state laws, rules, regulations and policies.
- Whether Applicant has commenced construction of a treatment facility prior to the issuance of a permit authorizing discharge of waste from Applicant's facility.
- Whether the application or draft permit fails to properly consider the Applicant's and its operator's compliance history.
- Whether the application or draft permit fails to properly consider the need for this proposed permit.
- Whether any former TCEQ employees participated personally and substantially as a TCEQ employee in the commission's review, evaluation, or processing of the application before leaving TCEQ employment, and after leaving TCEQ employment, the former TCEQ employee then provided assistance with the application for its issuance.
- Whether the application or draft permit fails to properly specify the maximum quantity of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations and policies.
- Whether the application or draft permit fails to properly specify the character and quality of waste that may be discharged under the permit to determine compliance with all applicable federal and state laws, rules, regulations and policies.
- Whether the application, draft permit or Executive Director fails to consider any unpleasant odor quality of the effluent and possible adverse effects that it might have on the receiving body of water and related recreational value, including the recreational value of the surrounding area.
- Whether the application or draft permit fails to establish all monitoring, sampling, record-keeping and reporting requirements necessary to determine compliance with all applicable federal and state laws, rules, regulations and policies.

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- Whether TCEQ failed to properly use an approved water quality management plan (or a plan in progress but not completed or approved) when reviewing Applicant's application and issuing the draft permit.
- Whether the application or draft permit fails to prevent a discharge of waste that is injurious to public health.
- Whether the application is inadequate, incomplete, inaccurate and/or fails to include all necessary and required information.

Examples of the deficiencies and problems with Applicant's proposed TPDES permit for industrial wastewater are provided below in the Public Comment section. These examples are in addition to, and in no way should be construed to limit in any way the above identified relevant and material disputed issues to be addressed at a public meeting and contested case hearing.

Ultimately, the Commission should deny Applicant's application and draft permit.

IV. Public Comments

This section expands upon the previously discussed "relevant and material disputed issues for a contested case hearing raised during the public comment period" by providing additional details and examples.

These examples are in addition to, and in no way should be construed to limit in any way the previously identified "relevant and material disputed issues" that should be addressed at a public meeting, in the Executive Director's Response to Comments, and at the contested case hearing.

A. Applicant Failed to Provide Proper Public Notice

TCEQ received this application September 30, 2022. The English version of the Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) and Notice of Application and Preliminary Decision for TPDES Permit for Industrial Wastewater (New) was published in the Lubbock Avalanche-Journal on May 18, 2023.¹

Applicant failed to comply with all public notice requirements under federal and state statutes, regulations and policies. Examples include, but are not limited to:

¹ Applicant was also required to publish an Alternative Language notice. Currently, STOP is unaware of when and where Applicant published this notice.

- As of May 23, 2023, the Executive Director's preliminary decision and Draft Permit were not available for viewing by the public at TCEQ-Region 2, 5012 50th Street, Suite 100, Lubbock, Texas as described in the notice published in the Lubbock Avalanche-Journal. In fact, several documents were made available for viewing only after a Public Information Act request for the documents was made.
- B. The Application and/or Draft Permit Fails to Establish Compliance with All Applicable Federal and/or State Laws, Rules, Regulations or Policies

Examples include, but are not limited to:

- Modeling in the permit may not take into account Lake Six's elevated bacteria levels and the impact from such effluent.
- Modeling may not be effective in ensuring the safety of those who recreate on Lake Six.
- Since the facility has a proposed max wastewater flow of 2.5 million gallons per day, TCEQ should have reviewed the application as a major facility.
- The modeling may be insufficient to show all of the impacts of a 2.5 million gallon per day flow into Lake Six, which is below the seasonal limits modeled.
- The modeling may be ineffective for BOD₅ limits.
- The proposed cooling towers with a max capacity of 275,000 gallons per day may not be sufficient to properly cool a proposed 2-2.5 million gallons per day flow into Lake Six safely.
- The proposed capacity of the energy dissipation structure may not be enough to sufficiently cool water before emptying into Lake Six.
- The proposed sampling site of wastewater may not adequately and accurately test wastewater emitted from Leprino – the application calls for water to be sampled at the City's wastewater facility, far downstream from the outfall location into Lake Six.
- The safety of the large evaporation ponds may not have been sufficiently studied.
- The Public Health Impact may have been incorrectly calculated. Human health toxicity potential should be determined as water is not being sampled until it is further downstream for the outfall site, within 50 miles of a source for Lubbock's drinking water, Lake Alan Henry.

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- The sampling may not be adequate for Lake Six having been rated as contaminated with bacteria.
- The application may not adequately consider the cumulative effects that the new operation would have on low-income and minority populations in and around East Lubbock as required by Executive Order 12898.
- TCEQ fails to meet the requirements of the federal Clean Water Act to protect state waterways from pollution because it does not effectively implement the requisite anti-degradation policy. As a result, the application and/or draft permit fails to sufficiently demonstrate that water quality will be protective of and will maintain all existing uses.

Conclusion

In light of these issues, STOP requests a public meeting and a contested case hearing on the application for **Permit WQ0005417000**. Moreover, STOP urges TCEQ to deny the application based on the information already available.

Respectfully submitted,

Mark Oualline Wendi Hammond
Counsel for S.T.O.P – Stop the Oppression of Our People (STOP)

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Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Friday, June 16, 2023 4:08 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005417000
Attachments: 2023-0616_Attachment 1 - 01 of 03 - requests for public meeting.pdf

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From: ouallinem@lanwt.org <ouallinem@lanwt.org>
Sent: Friday, June 16, 2023 3:29 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005417000

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NAME: Mark Oualline

EMAIL: ouallinem@lanwt.org

COMPANY: LANWT

ADDRESS: 1001 MAIN ST Suite 502
LUBBOCK TX 79401-3321

PHONE: 8066963600

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Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Friday, June 16, 2023 4:10 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005417000
Attachments: 2023-0616_Attachment 1 - 02 of 03 - requests for public meeting.pdf

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From: ouallinem@lanwt.org <ouallinem@lanwt.org>
Sent: Friday, June 16, 2023 3:31 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005417000

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Date: _____

5-6-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: _____

Print: _____

Lyce Allen
Lyce Allen

My comments are on the back of this page.

Name: Joyce Allen

Address: 3308 E 15th Place
Habcock, TX

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My ~~information~~ and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: *Keymon Allen*

Print: Keymon Allen

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: 

My comments are on the back of this page.

Shane

2803 E 7th St

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor discoloration or shadows, suggesting it might be a scan of a physical document. There is no handwriting or other markings on the paper.

Date: May 27, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Linda Anderson

Print: Linda Anderson

My comments are on the back of this page.

Name:

Linda Anderson

Address:

302 N. Spruce
Lubbock, TX. 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Don't see the need for adding to the health issues that we already have from, cotton gins, feed lots (cattle) and etc.

Linda Anderson

Date: 5/27/07

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Jeffrey L. Anderson

Print: Jeffrey Anderson

My comments are on the back of this page.

Name:

Jeffrey L. Anderson

Address:

2914 WTE AVE

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

No we don't need it

Date: 3/23/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Kathryn Anderson

Print: Kathryn Anderson

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Phil Anderson

Print: Phil Anderson

My comments are on the back of this page.

Name: _____

Address: _____

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My ~~information and~~ additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Robert D. Anderson Jr.

Print: Robert D. Anderson Jr.

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Philip Anzley

Print: Philip Anzley

My comments are on the back of this page.

Name:

Philip Anzley

Address:

2722 E. 10th Street

Hubbuck, Tx 79403

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: LEAH BAXTER

My comments are on the back of this page.

Name: Isiah Baxter

Address: 1518 E. Anheuser

[illegible]

Date:

5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Dorian Berry

Print:

Dorian Berry

My comments are on the back of this page.

Name:

Dorian Berry

Address:

2201 E 29th Street
Lubbock, Texas
79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

As the name implies, Historic Dunbar Lake is a local landmark. It is also part of a public park, that is frequented by all ages. It would raise a major health concern if wastewater were to be dumped into the lake. The lake also feeds into several other public parks also, putting them at risk for contamination.

Date: 5-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Shanda Bibbs

Print: SHANDA Bibbs

My comments are on the back of this page.

Name:

Wanda J. Bibbs

Address:

4310 E. 64th St

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

God be with us all & I pray that it works
cause I know there's nothing too hard for our God.
It's Already done!!!

Date: 05/07/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Dayna Blue

Print: Dayna Blue

My comments are on the back of this page.

Name:

Dawn Blue

Address:

5432 32nd St.

Wichita TX. 71407

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I'm concerned for the safety of my children. I do not want my children to be sick.

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Stacie Blue

Print: Stacie Blue

My comments are on the back of this page.

Name:

Stacie Blue

Address:

701 N Indiana Apt 1904

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date:

6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

~~My information and additional~~ comments regarding this application and
proposed permit are on the back of this letter.

Sincerely, -

Sign:

WALTER BROOKS

Print:

WALTER BROOKS

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Wanda Brooks

Print: Wanda Brooks

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-6-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Genevieve Brown

Print: Genevieve Brown

My comments are on the back of this page.

Name:

Genevieve Brown

Address:

3308 E. 16th ST
Lubbock, 79403

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Quenette Carrington

Print: Quenette Carrington

My comments are on the back of this page.

Name:

Quenette Carrington

Address:

3311 E. Dartmouth St.

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5 / 8 / 20 73

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Billie Carol

Print: Billie Carol

My comments are on the back of this page.

Name:

Billie Davis

Address:

2401 E. 28th St
Lubbock, TX 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

If it is adding more pollution
we do not need more pollution!

Date: 5/22/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Erica Cerda

My comments are on the back of this page.

Name:

Erica Cerda

Address:

11605 Country Road 7245
Lubbock TX 79423

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-9-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Terisha Clay

Print: Terisha Clay

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Felix Cobos

My comments are on the back of this page.

Felix Cobos

2908 E. Auburn
Cubb TX 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: William Contee

Print: William Contee

My comments are on the back of this page.

Name:

William Contee

Address:

1901 Parkway Dr.

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 05-05-2003

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: TRENT 

My comments are on the back of this page.

Name:

Leprino Corp

Address:

3216 Peak Ave
Lubbock TX 79402

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

No more waste on the
Eastside road

Date: MAY 05-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: James Craig

Print: JAMES & Linda Craig SR.

My comments are on the back of this page.

Name:

James Craig & Linda Craig

Address:

2205 24th St

Hubbuck Texas 79411 1127

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

My wife and I are both Concern about
Leprino Food. We don't know what this
Factory entails. Will the lake be polluted
to the fish and whatever lives in the
lakes or will Leprino Food be pollution
for the people that lives in the district.
Will the water we drank be safe.

Date: 5/12/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Ann Crowder

Print: Ann Crowder

My comments are on the back of this page.

Name: Ben Crowder

Address: 2637 Parkway Dr.
Lubbock, TX 79403

[illegible]

Date: 07/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: DWIGHT C. Culver

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5/12/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Solone Cunningham

Print:

Solone Cunningham

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date:

6-7-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign:

Print:

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 05-24-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Emma Danford

Print: Emmy Danford

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Joseph Davis

My comments are on the back of this page.

Name:

Joseph Davis

Address:

2120 E 29th St

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 4/10/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES ✓

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Jo Anne Dedrick

Print: Jo Anne Dedrick

My comments are on the back of this page.

fr Anne Dedrick

2011 98th SL, Apt 131
Lubbock Texas 79423

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: 5/12/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Nathan Douthett

My comments are on the back of this page.

Nathan Douthitt

57 10 4th Street
Lubbock TX 79416

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Fabian Dunn

Print: Fabian Dunn

My comments are on the back of this page.

Name:

Fabian Dunn

Address:

E. Cornell St.

2610 ~~East Cornell~~

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6/11/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Corine Easter

Print: Corine Easter

My comments are on the back of this page.

Name:

Corine Easter

Address:

2704 E 2nd place
Hubbuck TX 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I know we need businesses on the east side of hubbuck but we do not need any waste products going into our water supplies! We need to protect the water we have

Date: 05/22/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Marichonda Essex

Print: Marichonda Essex

My comments are on the back of this page.

Date: May 12, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Brandi Evans

Print: Brandi Evans

My comments are on the back of this page.

Name: Brandi Evans

Address: 3303 79th St
Unit B
Lubbock, TX 79423

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date: 3-23-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Sonya Fair

Print: Sonya Fair

My comments are on the back of this page.

Name:

Sonya Fair

Address:

1881 Manhattan Dr.

Hubbuck, Tx. 79404.

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Need for this company to come and meet with us
We have a lot of questions for this company.

Date: 4/5/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Lennis Fareed

Print: Lennis Fareed

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: April 6, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Patricia Ann Fareed

Print:

Patricia Ann Fareed

My comments are on the back of this page.

Patricia Ann Farced

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date:

5-3-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Arthur Fitzhugh

Print: Arthur Fitzhugh

My comments are on the back of this page.



Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My ~~information and~~ additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Kristal Flores

Print: Kristal Flores

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: May 7, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: ULISOVA FLUNDER

My comments are on the back of this page.

Name:

URISOMIA FLUNDER

Address:

6705 Chicago Ave
Hubbick, TX 79424

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I attend worship services in the area affected. I'm a concerned citizen.

Date:

5-10-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Lakendra Gaitter

Print:

Lakendra Gaitter

My comments are on the back of this page.

Name:

Lakendra Gaithe

Address:

4702 Ave C

Lubbock Texas 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

We love fishing and cooking
the fish my kids love it
it wouldn't be good to do
that...

Date: 6-9-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Lucy Garcia

Print: Lucy Garcia

My comments are on the back of this page.



Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-17-2022

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Earl Garrett

Print: Earl Garrett

My comments are on the back of this page.

Name:

Earl Garrett

Address:

2409 East 30th

Lebbeck TX

79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Why the Eastside??

Date: 5-27-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign:

Rolanda Garrett

Print:

Rolanda Garrett

My comments are on the back of this page.

Name:

Rolanda Garrett

Address:

2412 East 7th St
Lubbock, Texas 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

We have enough over here
killing us as it is. Thank you

Date: May 13, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Carolyn Gilbert

Print: CAROLYN Gilbert

My comments are on the back of this page.

Name:

Carolyn Gulheit

Address:

2009 Wate Ave

Lubbock, Tex 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5/10/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Christopher J. Grams

Print: Chris Grams

My comments are on the back of this page.

Chris Grams

2010 E. 26th St.

Hubbuck Tx 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign:

Print:

Phyllis Green
Phyllis Green

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-23-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Al Gomez

Print: AL GOMEZ

My comments are on the back of this page.

Name: AL Gomez

Address: 7606 2nd PLACE
CLARK, TX 79415

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: John Gonzalez

Print: John Gonzalez

My comments are on the back of this page.

Name: Johnny Gonzalez

Address: 1819 East 1st

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: 5-9-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Sonya Harper

Print: Sonya Harper

My comments are on the back of this page.

Name:

Sonya Harper

Address:

1513 E. 8th Street
Lubbock, TX. 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

My concerns are contamination. We already have enough pollutants on the east side of Lubbock that are causing health problems. Bringing this establishment will only increase these current issues. I know for a fact that if it were the west side of town this would not be a first thought.

Date:

5-17-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

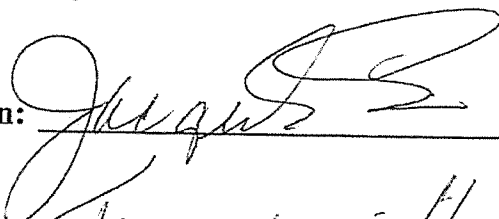
YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:



Print:

Maguelaine Hicks

My comments are on the back of this page.

Name:

Regueline D Hick

Address:

1102 N Memphis Ave #1403
Lybuck, TX 79415

These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Biky Hild

Print: Biky Hild

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Chris Hobely

My comments are on the back of this page.

Name: Chris Hobely

Address: 8704 10th Pl Lbby, TX

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Lakisha Hodge

Print: Lakisha Hodge

My comments are on the back of this page.

Name:

Lakisha Hodge

Address:

2102 E. 29th St.

Lubbock TX. 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: _____

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Lailendra Hodge

Print: Lailendra Hodge

My comments are on the back of this page.

Name: Lailendra Hodge

Address: 2102 E 29th St.
Libb. Tx 79404

[illegible]

Date: 5-18-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Jessica Hollins

Print: Jessica Hollins

My comments are on the back of this page.

Name: Tishannia Hollins

Address: 3410 24th St
Lubbock, TX 79416

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: 9-15-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Marcia Holm

Print: Marcia Holm

My comments are on the back of this page.

Name: Marcia Holmes

Address: 2429 E. 29th
72404
LBK TX.

Not Fair!!!

Date: 04-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

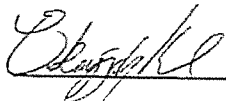
**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Ervaughan Hood

My comments are on the back of this page.

Name: Erkayhan Hood

Address: 502 Side Road
Lubbock, TX
79416

[illegible]

Date: 5/4/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Christine Howard

Print: CHRISTINE HOWARD

My comments are on the back of this page.

Name:

Christine Howard

Address:

2806 Walnut Ave

Lubbock Texas 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

The Pollution is Not Safe to people with
Health Condition the Smell in the Air
Not Safe

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

~~My information and~~ additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Mickie Hudson

Print: MIC KIE HUDSON

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Johnny James

Print: Johnny James

My comments are on the back of this page.



Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5/24/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign:

LaMetria Johns

Print:

LaMetria Johns

Name:

LaMetria Johns

Address:

1807 E. 28th

Corpus, TX 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

DON'T DO IT !!

NO NO WAY

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My ~~information~~ and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Angela Johnson

Print: Angela Johnson

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: July 15, 2019

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

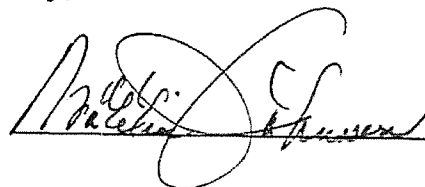
**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Bobbie Johnson

My comments are on the back of this page.

Michael Hansen

1818 E. 13th Street
Lockport, N.Y.
74403

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Date: 5/10/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Christine Sodman

Print: Christine

My comments are on the back of this page.

Name:

Christina Johnson

Address:

1301 E. Eastman St

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

It's not nice & it's clean

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Clifford E. Johnson

Print: Clifford E. Johnson

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Gregory Johnson

Print: gregory-johnson

My comments are on the back of this page.

Name: gregory Johnson

Address: 2420 E 5th 6th 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Myrtle Johnson

Print: Myrtle Johnson

My comments are on the back of this page.

Name:

Myra (3) Johnson

Address:

2627 DAK Dr. # 525
hubbard TX 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I think the waste from Leprino Foods need to be dump some where where our birds can be safe. I know people don't care about our birds like we do but we are all the same. God make us all so well. should think about each other not just our self.

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Kelvin Johnson

Print: Kelvin Johnson

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 05/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Sheketha Johnson

My comments are on the back of this page.

Name:

Sheketha Johnson

Address:

3012 E 2nd Pl

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I believe the meeting is very much needed. I grew up in East of Lubbock and I do not believe dumping the water there is a very bad and unhealthy thing to do. We need to talk about different solutions and ways to keep East Lubbock clean.

Date: 5-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Terri Johnson

Print: TERRI JOHNSON

My comments are on the back of this page.

Name:

TERRI Johnson

Address:

605 37th street

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I dont think thats its a good idea
to dump waste because of our
city and youths health.

Date: 05/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Johanna J. Thomas

My comments are on the back of this page.

Date: May 5th 2022

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: *Ethel Denise Jones*

Print: *Ethel Denise Jones*

My comments are on the back of this page.

Name:

Denise Jones

Address:

2409 East 30th Street

Lubbock TX

79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I will start with fishing. We eat the fish that comes out of this water. Do you people realize that it isn't safe to drink wastewater. That means we will be drinking toilet water, well digesting it then we would be eating. Would you want your family to eat food from a ~~waste~~ waste dump? This is not fair nor right. Our families ~~need~~ need to be safe, our elderly need to be safe as well. Fishing is a big means of eating for some of the people in our community.

Date:

6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Patricia Jordan

Print:

Patricia Jordan

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Becky Landon

Print: Becky Landon

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-9-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle):**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Julie Lang

Print: JULIE LANG

My comments are on the back of this page.

Name:

Julia Lang

Address:

7804 Walnut Ave.
Lubbock, TX 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I would not like to have any
waste put in the lakes.

Date: May 11, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign:



Print:

Shena Latsof

My comments are on the back of this page.

Name:

Shena Lateef

Address:

1710 E. 2nd St.
Hubbick, Texas 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I am against this for the simple fact is I am raising children & taken care of elderly people and we are already having problems with the water its hard we cant drink or cook with it. I spend alot of money on bottled water because we cook with the water we are already having a problem.

Date:

May 7, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

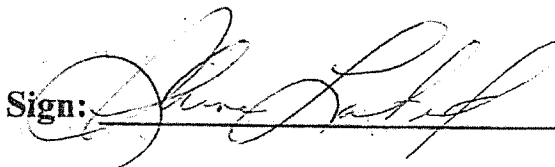
YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:



Print:

Shena Latsof

My comments are on the back of this page.

Name: Shena Latief

Address: 812 N. Martin Luther King Blvd.
Apt #403
Hubbuck, Texas 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

First off is why is everything always dumped
in our lakes & streams? When you say
Dunbar Historical Lake why diminish our communities.
As a community how are we suppose to be proud
of our side when all you smell is sewage, dead
animals, and when people or industries wanna
dump waste this is where they come. Our
water is hard on our bodies, hair, you can't
drink it you can barely bath in it. I know
I am not the only one that almost goes broke
buying drinking water to cook & drink for my
family. Just think of our kids and there lives in
the future, and they have new and weird
viruses because of what they are drinking and bathing
in everyday.

Date:

6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

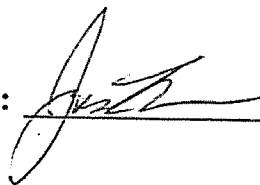
YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign:



Print:

John Lees

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Houma Lee

Print: Houma Lee

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

*I do not want anything that
going to make people sick*

Date: 5.10.23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: _____

Print: _____

My comments are on the back of this page.

Date: 5-10-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Altha Lewis

Print: ALTHA LEWIS

My comments are on the back of this page.

Name:

ALTHA LEWIS

Address:

5237 93rd Street

Lubbock, TX 79424

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Do not need any more pollution on
the East Side

Date: 5/19/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Ricardo Lopez

Print: Ricardo Lopez

My comments are on the back of this page.

Name:

Ricardo Lopez

Address:

420 So. 5th
Slaton, Texas

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

The reason being, I like to fish
Plier lake.

Date:

6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My ~~information~~ and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: 

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-10-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: L. Brandon Martin

My comments are on the back of this page.

LaBrandon Mann

3301 NCR 2750
Lubbock TX

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: 5-7-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Cosby Marton

Print: Cosby Marton

My comments are on the back of this page.

Cosby Morton

12103 CEDAR
LUBBOCK, TX 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: KRIS MASE

My comments are on the back of this page.

Name:

KRIS MASK

Address:

306 N. ASPEN AVE.

LUBBOCK TX 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date:

5/10/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Pearl McBrewer

Print: Pearl McBrewer

My comments are on the back of this page.

Name: Pear / McBrewer

Address: 3419 East 17th

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date:

5/27/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Jeffrey McCutchen

Print:

Jeffrey McCutchen

My comments are on the back of this page.

[illegible]

.....

Date: 5/27/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: L. McCain

Print: LARRY M McCain

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-24-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Dusie McDade

Print: Susie McDade

My comments are on the back of this page.

Name:

SUSIE McGADE

Address:

1001 3rd Unit 81

Lubbock Tx. 79401

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-9-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Julius McFee

Print: Julius McFee

My comments are on the back of this page.

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Robert M Groder

My comments are on the back of this page.

Name:

Robert A. McGroder

Address:

1514 East 65th

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: James Mc Kinzie

Print: JAMES Mc KINZIE

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Bobbie Mitchell

Print: Bobbie Mitchell

My comments are on the back of this page.

Name:

Bobbie Mitchell

Address:

512 N. Miller Blvd
Hubbuck Texas
79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

NO!

Date:

6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Bradley Modisett

Print:

Bradley Modisett

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 6-2-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My ~~information and~~ additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Rigo Alarcon

Print: Rigo Alarcon

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-4-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Linda Monroe

Print: Linda Monroe

My comments are on the back of this page.

Name:

Linda Monroe

Address:

3805 51st Apt. 13

Lubbock, TX. 79413

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Don't need no more pollution in the water
nor the air on east side of town then it
already have that doer exist. I was raised
on the eastside of town and I know the quality
of the environment is not good when it comes down
to pollution.

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Janie Montalvo

My comments are on the back of this page.

Date: 5-10-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Print:

My comments are on the back of this page.

Name:

MarQuisha Moody

Address:

4518 78th
Lubbock, TX
7924

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I have family that live here near Dunbar lake. The times when the family go and spend time at the lake. The pollutants have not been discussed and or communicated to the community. The longevity of the wastewater effects have not been discussed and or communicated to the community. Why East/North Lubbock, because we are not the dumping ground to new industries. We are a community of love, families and growth.

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign:

Kim D Moore

Print:

Kimely D Moore

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Phyllis Moore

Print: Phyllis Moore

My comments are on the back of this page.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: LaShonda Mullins

Print: LaShonda Mullins

My comments are on the back of this page.

Name:

Lashonda Muller

Address:

512 N. MLK Blvd.

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: Tue May 23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: JUAN MUNOZ

My comments are on the back of this page.

Name:

JUAN MUÑOZ

Address:

812 Edalou Hwy

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

No Dirty Water in Lake

Date: 5-12-25.

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Alberta Nedd

Print: Alberta Nedd

AN

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Shawn Neloms

Print: Shawn Neloms

My comments are on the back of this page.

Name: Shawn Nelomz

Address: 2406 East 5th

[illegible]

Date: 5-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);


**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Jacobre Nelson

My comments are on the back of this page.

Name:

Jacobi'e Nelson

Address:

1812 east 2nd

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: My Anna neuman

Print: My Anna neuman

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 4/17/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Patricia Morris

Print: Patricia Morris

My comments are on the back of this page.

Name:

Patricia Morris

Address:

1704 E. 25th St.

Lubbock, TX. 79404-1306

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

We do need a public information meeting regarding
Leprino's permit to dump waste into Lake #6 be-
cause it is with fewer government regulations, promoted
by Republicans, we shouldn't lose sight of how impor-
tant it is to weigh the potential impact of water
safety & health be foremost. The health & safety of citizens
in East Lubbock whether air quality, noise, pollution,
impact on a person's health through water being recy-
clated from this plant for years to come if higher regulatory
standards aren't imposed & adhered to through our city,
state, national officials. We mustn't put our future health & safe-
ty at risk for money in pockets. Count the cost!

Date: 4/7/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Vernice Morris Jr.

Print: VERNICE MORRIS JR.

My comments are on the back of this page.

Name:

Vernice Morris Jr

Address:

1704 E. 25th St.

Lubbock, TX. 79404-1306

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

We need accountability for all commercial busi-
nesses in East Lubbock. LePrino Foods is just
another example of officials showing down the rate
of East Lubbock another business that could potentially
do harm to residents quality of life & environment. We
already are subject to poor air quality from a cotton gin
water treatment plant. What else will we have to suffer from
this new Cheese plant? Regulation standards should be
high. The citizens of East Lubbock deserve to be heard since
our neighborhood carries it's share of industrial & cit. facilities,
What about the north & west of Lubbock? They should carry
the burden of industrial development also. We're in this together

Date: 5-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: *At Det*

Print: *Antwan Overstreet*

My comments are on the back of this page.

Name:

Antwan Rivera

Address:

1911 79th St.

Lubbock Tx. 79423

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I feel that its very harmful and unsafe for
all of Lubbock Community.

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

~~My information~~ and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Nilesh Patel

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Shavon E. Paul

My comments are on the back of this page.

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

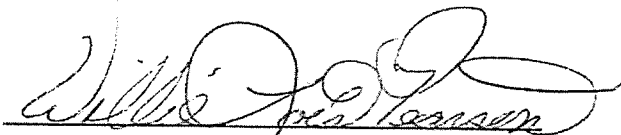
YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:



Print:

Willie "Kous" Pearson

My comments are on the back of this page.

Name:

Willie "Lois" Pearson

Address:

2417 E. 38th St.

Lubbock, Texas

79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Manufacturers don't care about people's health or the facts that they have families that live near these lakes all they see is cheap land and dollar signs that waste water is going to impact everyone & everything. It's going to affect our land water, pipes fishing lakes & our children & grand children. It's by design & ~~that~~ will always be like that & it is what it is!! They don't care.

Date: 5-23-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Earnest Peoples

My comments are on the back of this page.

Name:

Earnest Peoples

Address:

2434 E. 30th. St. Lubbock,
TX. 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Time for talk is up - we need to
put action behind it - i.e. results

Date: May 23, 23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
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No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Ruby Jean Phenix

Print: Ruby J. Phenix

My comments are on the back of this page.

Reeling J. Phoenix

2109 Wate Ave
Guthrie, Texas 79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5/12/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);


**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Carlton Phillips

My comments are on the back of this page.

Name: Carlton Phillips

Address: 2510 MLK BLV

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Date: 5/8/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: CHERYL RANDLE

My comments are on the back of this page.

Theryl Randall

924 EAST JIMORY ST. APT 3310
RICHMOND, TEXAS 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: ELDON RAY NASH

Print: Eldon Ray Nash

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-5-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Jay Reed

Print: JAY REED

My comments are on the back of this page.

Jay BEECH

33 B E. Colgate

Lubbock, TEXAS 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-7-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

LaCarl Richardson

Print:

LaCarl Richardson

My comments are on the back of this page.

Name:

LaCarl Reundersen

Address:

1711 E. 26th

Lubbock, Texas

79404

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

BSUE3 / POLLUTION

AIR QUALITY

SOIL

Date: 5-23-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Dana Richardson

Print: Dana Richardson

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date:

5/7/2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Jean Richardson

Print:

Jean Richardson

My comments are on the back of this page.

Name:

Sean Richardson

Address:

1711 E. 26th St
Lubbock, TX.

7/9/04

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

My concern is the Pollution from this Industry and how will it affect the Health of our families & Also the safety of our Lake #6 & the connected downstream Lake #7

Date: 5-23-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Linda Robinson

Print: Linda Robinson

My comments are on the back of this page.

Name:

Linda Robinson

Address:

2121 65th Street

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I grew up in East Lubbock, and I still have a house on the east side. I am so tired of the companies coming over here and doing what ever they want over here. Enough is enough. We don't have any Walgreens or CVS ^{any} pharmacy. All you'll want to put over on the east side is what they don't want is South or West Lubbock.

STOP!!!

Date: 5-23-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Richard Rollison III

Print: Richard Rollison III

My comments are on the back of this page.

Name:

Richard Rollison III

Address:

2628 Hickory Ave

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5/11/2024

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

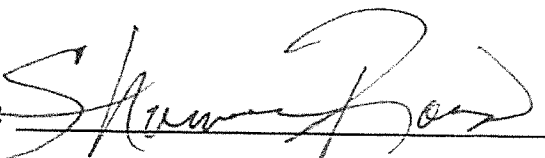
I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Shannon Ross

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Shelia Moss

Print: Shelia Moss

My comments are on the back of this page.

Name:

Shelia Moss

Address:

1728 East Cornell st.

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: May 10 2008

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Michael Ross

Print:

Michael Ross

My comments are on the back of this page.

Name:

Michael Ross

Address:

2702 East 2nd Street

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

My Family Needs Clean
drinking Water, We know that
as well as any other community.

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Christina Salas

Print: Christina Salas

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date:

5/11/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

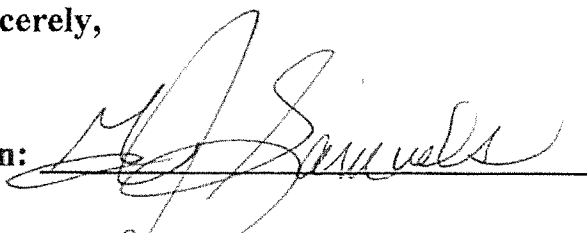
YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign:



Print:

GLENN SAMUELS

My comments are on the back of this page.

Name: GLEEN SAMUELS

Address: 227 CHERRY AVE
Lubbock, TX 79403

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: 5-10-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Gloria Sanders

Print: Gloria Sanders

My comments are on the back of this page.

Name: Gloria Sandoz

Address: 2906 East Baylor St
79403

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: James F. Scott Jr

James F. Scott Jr.

Print: _____

My comments are on the back of this page.

Name:

James F Scott Jr

Address:

2130 E. BATES STREET

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-5-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Shannon Sheppard

Print: Shannon Sheppard

My comments are on the back of this page.

Name:

Shannon Sheppard

Address:

2906 E Baylor

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

It's not Natural!

Date: May 9, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Tilesa Sherman

Print: Tilesa Sherman

My comments are on the back of this page.

Name:

Tilesa Sherman

Address:

1714 E. Cornell St.

Lubbock, TX 79403

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

I am concerned for the many people that live on the east side of Lubbock about their health as far as the dumping of the millions of gallons of wastewater that will be dumped into our lakes. We as a community fish there with our children, people use it to have gatherings with their families and I just don't think it's fair to the community. Our community for this manufacturing company to come and do this. We have to think of the health concerns for our kids not only them but the elderly and all adults who use the lake.

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Dolores Sifera

Print: Dolores Sifera

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: 

Print: Sabrina Skiff

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5-10-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: Kristin

Print: Kristin M Smith

My comments are on the back of this page.

Name:

Kristin N Smith

Address:

2607 78th Street

Lubbock TX 79423

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

~~As~~ as an employee of

donor it is a concern

of dumping waste water.

The fish will be contaminated

& the smell in the community

would be horrific!

Please do not allow this!

Date: 5-12-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Mary D. Stephens

Print: Mary D. Stephens

My comments are on the back of this page.

Name: Mary D. Stephens

Address: 2631 Parkway Drive
79403

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date:

6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Barbara Taylor

Print: Barbara Taylor

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: May 11, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Dalmeshia Tennison Patton

My comments are on the back of this page.

Name:

Dalmeshia Tennison

Address:

815 Wte Ave

Wubbock, TX 79402

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-12-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600);

I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: Datron Thompson

Print: Datron Thompson

My comments are on the back of this page.

Name: Dalton Thompson

Address: 1935 E Cdgate
Lubbock Tx
79403

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date:

May 9, 2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Mae Thompson

Print:

MAE Thompson

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

*Just Wondering Why You'll Want to Make
this A Waiver Sight.*

Date: 5/7/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Lucy Upshaw

Print:

Lucy Upshaw

My comments are on the back of this page.

Lucy Upshall

2101 82nd St Apt 1002
Lubbock, TX, 79423

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white.

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
No. WQ0005417000 (EPA I.D. No. TX0143600)**

Dear Chief Clerk:

These are my comments regarding Leprino Food's application for proposed Texas
Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Tammie Upsham

Print:

Tammie Upsham

My comments are on the back of this page.

Name:

Address:

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 6-2-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Maniah Villarreal

Print: Maniah Villarreal

My comments are on the back of this page.

Name:

Address:

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date: 5/15/83

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

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No. TX0143600);

I request a public meeting regarding this application and proposed
permit (please circle).

YES

NO

My information and additional comments regarding this application and
proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Jamonica Wards PN

My comments are on the back of this page.

Name:

Jaimeona Wairo RN

Address:

1001 North Redbud Ave.

Lubbock, Tx. 79403

**These are my additional comments regarding Leprino Food's
application for proposed Texas Pollutant Discharge Elimination
System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):**

Date:

5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign:

Alex White

Print:

Alex White

My comments are on the back of this page.

Name: Andy White

Address: 2709 Colgate

[illegible]

Date: 5-11-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Anna White

Print: Anna White

My comments are on the back of this page.

Name:

Anna White

Address:

2818 east 5th

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 05-11-2023

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

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I request a public meeting regarding this application and proposed permit (please circle).

YES

NO

My information and additional comments regarding this application and proposed permit are on the back of this letter.

Sincerely,

Sign: 

Print: Lamaisha White

My comments are on the back of this page.

Name:

Kamaisha White

Address:

5504 13th St Unit B
Lubbock TX 79416

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

Date: 5-3-23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

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No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Merlene White

Print: Merlene White

My comments are on the back of this page.

Name:

Merlene White

Address:

1710 E 2nd St

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):

a factory in East Lubbock is fine "But" take your waste water some where else. (think about it) would you want waste water dumped in your back yard where your children play, and your elderly spend hours relaxing meet their friends and just have a good time without driving across town to live in east Lubbock and not far from Canyon Lake and I don't want to think that I can't take my grand children to the lake for polluting water and the effect it will have on them. and what about the fish in the lake and those who are going fishing

Date: 5/8/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

RE: **Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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Dear Chief Clerk:

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Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D.
No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: Channetta Williams

Print: Channetta Williams

My comments are on the back of this page.

Name: Channetta Williams

Address: P.O. Box 65766
Lubbock, TX 79464

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: _____

5/12/23

ATTN: Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087
Sent by Mail

**RE: Public comment regarding Leprino Food's application for
proposed Texas Pollutant Discharge Elimination System Permit
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No. TX0143600);

**I request a public meeting regarding this application and proposed
permit (please circle).**

YES

NO

**My information and additional comments regarding this application and
proposed permit are on the back of this letter.**

Sincerely,

Sign: _____

Deleone W. Wiley

Print: _____

Deleone W. Wiley

My comments are on the back of this page.

Name:

Dedraune Wootley

Address:

2901 E Baylor St
Lubbock TX 79423

These are my additional comments regarding Leprino Food's application for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005417000 (EPA I.D. No. TX0143600):
