

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 21, 2025

TO: All interested persons.

RE: Pulido Calf Ranch, LLC
TPDES Permit No. WQ0004208000

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Erath County Extension Office-Erath County Courthouse, 100 Washington Street, Room 206, Stephenville, Texas 76401.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Pulido Calf Ranch, LLC
TPDES Permit No. WQ0004208000

The Executive Director has made the Response to Public Comment (RTC) for the application by Pulido Calf Ranch, LLC for TPDES Permit No. WQ0004208000 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

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

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0004208000) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Erath County Extension Office-Erath County Courthouse, 100 Washington Street, Room 206, Stephenville, Texas 76401.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

21 de agosto de 2025

TO: Todas las personas interesadas.

RE: Pulido Calf Ranch, LLC
TPDES Permiso No. WQ0004208000

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Oficina de Extensión del Condado de Erath - Palacio de Justicia del Condado de Erath, 100 Washington Street, Sala 206, Stephenville, Texas 76401.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted

proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de

reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Pulido Calf Ranch, LLC
TPDES Permit No. WQ0004208000

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Pulido Calf Ranch, LLC TPDES Permiso No. WQ0004208000. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

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

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0004208000) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Oficina de Extensión del Condado de Erath - Palacio de Justicia del Condado de Erath, 100 Washington Street, Sala 206, Stephenville, Texas 76401.

MAILING LIST / LISTA DE CORREO
for / para
Pulido Calf Ranch, LLC
TPDES Permit No. WQ0004208000 / TPDES Permiso No. WQ0004208000

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Alfredo Pulido, Director
Pulido Calf Ranch, LLC
2812 Farm-to-Market Road 2333
Miles, Texas 76861

Corey Mullin & Jourdan Mullin, Consultants
Enviro-Ag Engineering, Inc.
9855 Farm-to-Market Road 847
Dublin, Texas 76446

INTERESTED PERSONS /
PERSONAS INTERESADAS:

see attached list / ver lista adjunta

FOR THE EXECUTIVE DIRECTOR /
PARA EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Harrison Cole Malley, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Robert Chavez, P.E., Technical Staff
Texas Commission on Environmental
Quality
Water Quality Assessment Section MC-150
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

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

BROWN , HERBERT & SHERRY
6945 COUNTY ROAD 392
STEPHENVILLE TX 76401-8603

FENN , MONICA
6945 COUNTY ROAD 392
STEPHENVILLE TX 76401-8603

VANDER HORST , ALAN
PO BOX 176
DUBLIN TX 76446-0176

WILSON , RONALD & TRACEY
560 COUNTY ROAD 383
STEPHENVILLE TX 76401-8796

WOOD , KOBIE & PAULA
575 PRIVATE ROAD 1009
DUBLIN TX 76446-3974

WOOD , KOBIE
575 PRIVATE ROAD 1009
DUBLIN TX 76446-3974

TPDES PERMIT NO. WQ0004208000

APPLICATION BY	§	BEFORE THE TEXAS
PULIDO CALF RANCH, LLC FOR A	§	COMMISSION ON
MAJOR AMENDMENT TPDES	§	ENVIRONMENTAL QUALITY
PERMIT NO. WQ0004208000	§	

EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by Pulido Calf Ranch, LLC (Applicant) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004208000. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely comment letters and hearing requests from Herbert L. Brown, Sherry Brown, Monica Fenn, Ronald Patrick Wilson, Tracey Wilson, Kobie Wood, Paula Wood, and Alan Vander Horst. This response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on the TCEQ web site at <https://www.tceq.texas.gov/>.

BACKGROUND

The Applicant is seeking authorization under the Concentrated Animal Feeding Operation (CAFO) individual permit to add pens and a calf hutch area and reconfigure the drainage area of the two retention control structures (RCSs), which will increase the required combined required capacity for RCSs #1 and #2 from 24.66 to 29.86 acre-feet.

The authorized maximum capacity of 5,000 head of dairy calves, the total land application area of 21 acres, and the list of alternative crops/yield goals will not change.

The existing dairy calf operation has one land application area that is identified as a land management unit (LMU) with the following acreage: LMU #1 - 21 acres.

Three producing water wells with protective measures are present at the facility.

Description of Facility

The facility is located on the east side of Farm-to-Market Road 219, approximately 2.5 miles south of the community of Lingleville in Erath County, Texas. The facility is located in the drainage area of the Upper North Bosque River in Segment No. 1255 of the Brazos River Basin.

Procedural Background

The TCEQ received the application on September 24, 2024, and declared it administratively complete on November 6, 2024. The Executive Director completed the technical review and prepared the proposed permit, which if approved, would establish the conditions under which the facility must operate. The Applicant published the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit (NORI) in

English in the *Stephenville Empire Tribune* on November 16, 2024, and in Spanish in *La Prensa Comunidad* on December 3, 2024. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in English in *The Dublin Citizen* on April 10, 2025, and in Spanish in *La Prensa Comunidad* on April 16, 2025, and the public comment period closed on May 16, 2025. This application was filed on or after September 1, 2015; therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature (1999), and Senate Bill 709, 84th Legislature (2015), which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

Access to Rules, Laws and Records

- All administrative rules: Secretary of State Website: <https://www.sos.state.tx.us/>
- TCEQ rules: Title 30 of the Texas Administrative Code: <https://www.sos.texas.gov/tac/index.shtml> (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: <https://statutes.capitol.texas.gov/>
- TCEQ website: <https://www.tceq.texas.gov/> (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”);
- Federal rules: Title 40 of the Code of Federal Regulations (CFR): <https://www.ecfr.gov/current/title-40>
- Federal environmental laws: <https://www.epa.gov/laws-regulations>
- Environmental or citizen complaints may be filed online at: <https://www.tceq.texas.gov/compliance/complaints> or by sending an email to the following address: complaint@TCEQ.state.tx.us

Commission records for this facility are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the application until final action is taken). The permit application, proposed permit, factsheet, and the Executive Director’s preliminary decision have been available for viewing and copying at the:

Erath County Extension Office/
Erath County Courthouse, Room 206
100 Washington Street
Stephenville, Texas 76401.

The Executive Director has determined that the draft permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if you would like to file a complaint about the facility concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ’s statewide toll-free number at 1-888-777-3186 or you may contact the TCEQ Region 4 Office in Stephenville, Texas at 1-800-687-7078 or 254-552-1900 to address potential permit violations. If an inspection by the Regional Office finds that the facility is out of compliance, the facility may be subject to enforcement actions.

COMMENTS AND RESPONSES

COMMENT 1:

Mr. Alan Vander Horst (Crossroads Dairy) commented that the ED should grant the permit amendment and otherwise expressed support for the permit.

RESPONSE 1:

The ED acknowledges this comment.

COMMENT 2:

Tracey Wilson, Ronald Patrick Wilson, Kobie Wood and Paula Wood commented that their property will be adversely affected stating that it is contiguous to the dairy calves facility and that the runoff from the facility would flow through their property which they state would adversely affect the ground water and surface water flowing through their land. Tracey Wilson, Ronald Patrick Wilson, Kobie Wood, Paula Wood, Monica Fenn, Sherry Brown and Herbert Brown recommended that the proposed changes to the permit be denied.

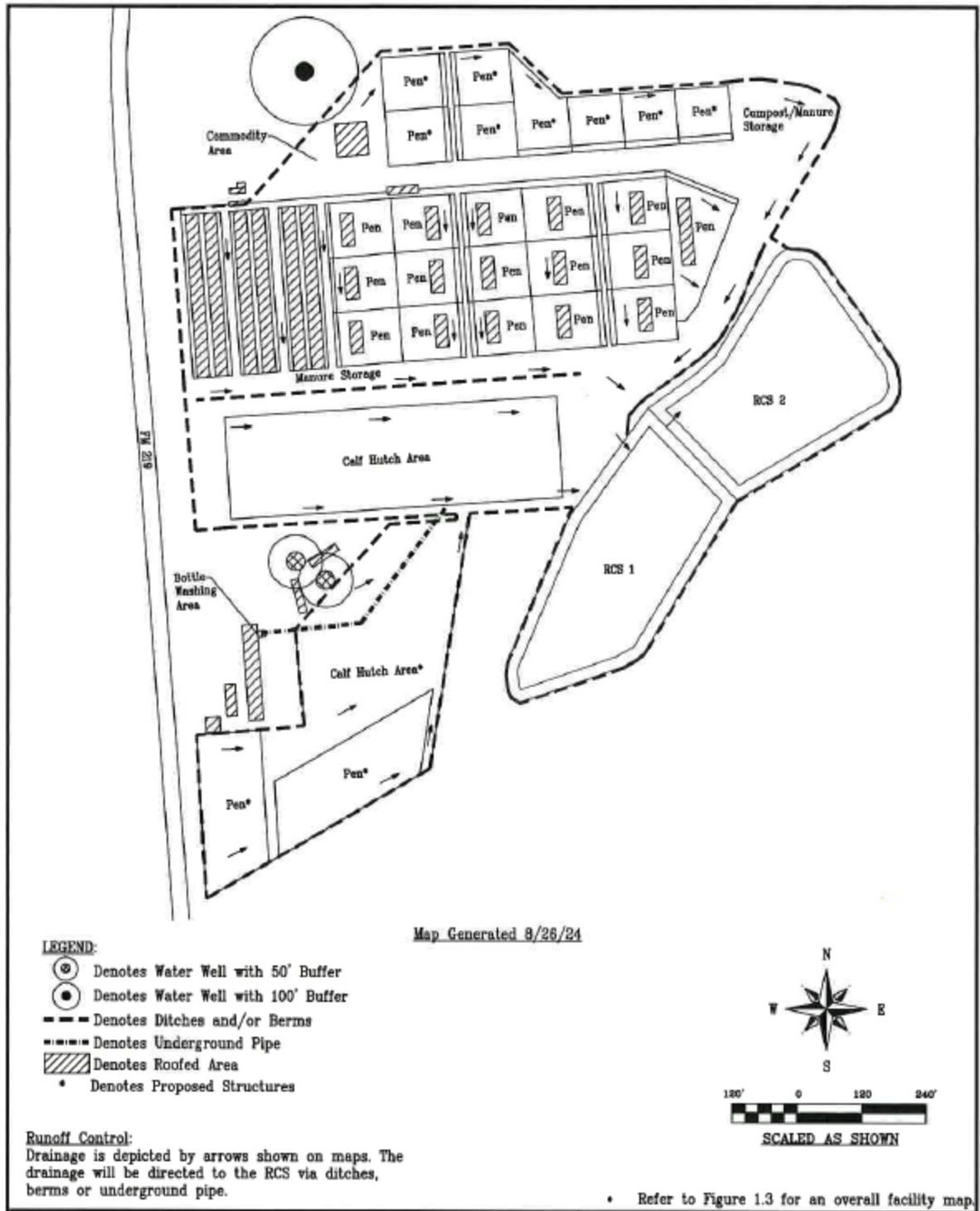
RESPONSE 2:

The TCEQ implements and enforces standards that are established to protect human health, safety, and the environment. The Applicant is required to operate the facility according to the Texas Water Code, TCEQ's rules, and the terms of the proposed permit.

The purpose of the permit amendment is to reconfigure the drainage area of the RCSs to exclude clean water by using berms/ditches to prevent run-on into and runoff from the production area. Part VII.A.3(c) of the draft permit which relates to RCS Drainage Area states:

- (1) The permittee shall describe in the PPP and implement measures that will be used to minimize entry of uncontaminated stormwater into the RCS(s).
- (2) Stormwater must be diverted, as indicated in Attachment A - Site Map, from contact with feedlots and holding pens, and manure and/or process wastewater storage systems. In cases where it is not feasible to divert stormwater from the production area, the retention structures shall include adequate storage capacity for the additional stormwater. Stormwater includes rain falling on the roofs of facilities, runoff from adjacent land, or other sources.

The following map (Attachment A to the permit) is the runoff control that was developed in order to comply with the permit requirements.



The recharge feature certification describes the location of the CAFO relative to certain natural and artificial features that could result in adverse ground water impacts. Groundwater has the potential to resurface as surface water. Therefore, preventing impacts to groundwater also provides protection to surface water.

Section VIIA.3(b) specifies design and construction standards for the RCSs. Section VIIA.3(f) and (g) specifies additional design and construction standards relative

to liners. Analysis of plasticity index, liquid limits, and percent passing a 200-mesh sieve will assist the construction contractor and design engineer in determining if the soil proposed for use as a liner can achieve the compaction, permeability, and specific discharge requirements of the permit. The liner design and construction requirements in the draft permit will ensure adequate protection of groundwater and meet the requirements of 30 TAC § 321.38(g). A liner certification, certified by a professional engineer, for each existing RCS was submitted with the application.

COMMENT 3:

Tracey Wilson, Ronald Patrick Wilson, Monican Fenn, Sherry Brown, Herbert Brown, Kobie Wood and Paula Wood commented on the negative impact of the operation on air quality across their property, in addition to the fly population that would be generated by the number of calves located on the permitted land. Tracey Wilson, Ronald Patrick Wilson, Kobie Wood and Paula Wood commented further that the dairy calf facility is requesting a larger number of calves than was originally permitted at the facility's location, and has also decreased the number of acres to dispose of the waste generated onsite, which would also cause an adverse impact to their property and air quality.

Tracey Wilson, Ronald Patrick Wilson, Monican Fenn, Sherry Brown, Herbert Brown, Kobie Wood and Paula Wood commented that the owner and operator of this facility live in another county and would not be affected by the stench, fly problems, or poor air quality, once again putting the burden on the neighboring landowners, including twelve (12) other families living on Tracey Wilson and Ronald Patrick Wilson's mobile home park.

RESPONSE 3:

A number of requirements in 30 TAC Chapter 321, Subchapter B, and the draft permit are designed to address the potential for nuisance odors or air pollution conditions.

30 TAC § 321.43(j)(1)(A) requires that CAFO facilities be operated in such a manner to prevent the creation of a nuisance or air pollution condition as defined by 30 TAC § 321.32(36) and Texas Health and Safety Code (THSC) § 341.011, and as prohibited by 30 TAC § 101.4 (relating to nuisance). The rules also require facilities to operate in such a manner to prevent a condition of air pollution as defined by THSC § 382.003(3). Additionally, the rules require an operator to take the necessary action to identify any nuisance conditions that occur and to take action to abate such conditions as soon as practicable or as specified by the ED.30 TAC § 321.32(36) defines "nuisance" as:

Any discharge of air contaminant(s), including but not limited to odors of sufficient concentration and duration that are or may tend to be injurious to or that adversely affects human health or welfare, animal life, vegetation, or property, or that interferes with the normal use and enjoyment of animal life, vegetation, or property.

Nuisance conditions can have a direct relationship to the occurrence of fly populations and breeding ground and are controlled by the facility through best management practices (BMPs). BMPs are required by TCEQ rules and the draft permit, and if properly implemented, should reduce the potential for insect and fly breeding.

For example, the stockpiling of manure decreases the surface of the manure exposed to breeding flies.

Regarding concerns expressed about odors, Part VII.D. of the draft permit relates to the Air Standard Permit requirements that the Permittee must comply with, including air emission limitations, wastewater treatment to minimize odors, dust control to minimize dust emissions, and maintenance and housekeeping to prevent nuisance conditions.

The facility is required to operate according to the requirements of the Air Standard Permit by meeting the requirements in 30 TAC § 321.43. Livestock operation started at this site on or before August 19, 1998, therefore, the requirement is that the facility must develop and implement an odor control plan. A copy of the plan was submitted with the application.

Regarding the number of animals, the Applicant did not request an increase in the number of animals, and therefore, the headcount will not change with this permit amendment. The authorized maximum capacity is 5,000 head dairy calves that was approved under the previous owners: Joe Mendes Borges, Mary Francis Borges & Americalf, LLC.

Regarding the disposal of waste generated onsite, there are options in Part VII.A.8.(e)(1) through (5) of the draft permit that are available to the Permittee and are:

- (e) Exported wastewater, sludge, and/or manure. Wastewater, sludge, and/or manure removed from the operation shall be disposed of by:
 - (1) delivery to a composting facility authorized by the Executive Director;
 - (2) delivery to a permitted landfill located outside of the major sole source impairment zone;
 - (3) beneficial use by land application to land located outside of the major sole source impairment zone;
 - (4) put to another beneficial use approved by the Executive Director; or
 - (5) providing wastewater, sludge, and/or manure to operators of third-party fields, i.e. areas of land in the major sole source impairment zone not owned, operated, controlled, rented, or leased by the CAFO owner or operator, that have been identified in the PPP.

COMMENT 4:

Tracey Wilson, Ronald Patrick Wilson, Kobie Wood and Paula Wood expressed concerns regarding the enforcement process. Specifically, they are concerned about how the enforcement process works once a permit is granted and claim that it burdens neighboring landowners.

RESPONSE 4:

The public can file a complaint about the facility concerning its compliance with the provisions of its permit or with TCEQ rules. You may contact the TCEQ DFW Regional Office (Region 4) in Fort Worth at (817) 588-5800, TCEQ's Stephenville Special Project Office at (254) 552-1900 or (800) 687-7078, or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed online: <https://www.tceq.texas.gov/compliance/complaints>. If an inspection by

the Regional Office finds that the facility is out of compliance, the facility may be subject to enforcement actions.

COMMENT 5:

Tracey Wilson and Ronald Patrick Wilson submitted comments stating that when the calf facility had previous operators, the Supreme Court of Texas ruled that the property was not suitable for the number of calves requested in this permit. They also stated that the Paluxy Aquifer outcrops in the middle of their lagoon (retention control structure), which would adversely affect people within the community of Lingleville, Texas.

RESPONSE 5:

As noted above in Response 2, the draft permit contains design and construction requirements for the RCSs that ensures groundwater protection.

The permittee has identified soil series Bolar Denton, Fairy-Hico, Frio, Gowen, May, Purves-Dugout, and Maloterre to have limiting features. Best Management Practices (BMPs) have been provided to address these limiting factors.

The permittee has identified three active wells onsite. Wells #1 and #2 have to maintain a 50 foot buffer distance, and Well #4 has to maintain a 100 foot buffer; and all have additional protective measures. Table 3 to the permit includes the wells and the additional BMPs that have been approved by TCEQ.

Conservation practices have been imposed on LMUs adjacent to water in the state. LMU #1 has a vegetative buffer setback of 100 feet, with additional buffer setback distance of filter strip flow length of 35 feet, that was determined by using the NRCS Conservation Practice Code 393, Filter Strip. The practice code uses a combination of hydrologic soil groups and field slope percentages to calculate an appropriate filter strip length. The conservation practices reduce erosion, suspended solids and nutrients in runoff from LMUs.

Furthermore, it is the responsibility of the permittee to acquire all property rights necessary to discharge effluent. If the permit is ultimately issued, it does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations. Subsection IX of the permit, which contains the standard permit conditions, states clearly that a permit, “does not convey any property rights of any sort or any exclusive privilege.”

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental
Quality

Kelley Keel
Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



By: _____

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CERTIFICATE OF SERVICE

I certify that on August 18, 2025, the Executive Director's Response to Public Comment for Permit No. WQ0004208000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Harrison Cole Malley, Staff Attorney
State Bar No. 24116710