

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Schreiber Foods, Inc. for a major amendment of TCEQ Permit No. WQ0003074000; TCEQ Docket No. 2024-0133-IWD.

On April 24, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting a request for hearing filed by Tandi Remy concerning the application by Schreiber Foods, Inc. (Applicant) for a major amendment of TCEQ Permit No. WQ0003074000 to authorize the increase of application acres from 50 acres to 61 acres, increase the permitted daily average flow from 132,000 gallons per day (gpd) to 192,000 gpd, and update the organic loading rate measured as biochemical oxygen demand (5-day) and the nitrogen loading rate measured as total nitrogen at a facility located at 923 County Road 176, near the City of Stephenville, Erath County, Texas. The request for hearing was evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant, a reply to responses, all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Tandi Remy is an affected person and granted her request for hearing.

The Commission next determined whether the granted request for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period, and which are relevant and material to the decision on the application. The Commission

determined that the following issue met those requirements and directed that it be referred to the State Office of Administrative Hearings (SOAH) for contested case hearing:

Whether the draft permit adequately addresses nuisance odors in accordance with applicable requirements including 30 Texas Administrative Code § 309.13.

Finally, the Commission set the maximum duration of the contested case hearing at 150 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing request of Tandi Remy is hereby GRANTED;
- 2) The application is referred to SOAH for a contested case hearing on the following issue:

Whether the draft permit adequately addresses nuisance odors in accordance with applicable requirements including 30 Texas Administrative Code § 309.13.

- 3) The maximum duration of the hearing is set at 150 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and
- 4) If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
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Jon Niermann, Chairman

5/3/2024  
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Date Signed