

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SECOND NOTICE OF HEARING

Peter Henry Schouten, Sr. and Nova Darlene Schouten

SOAH Docket No. 582-25-05075

TCEQ Docket No. 2023-1586-AGR

TPDES Permit No. WQ0005387000

APPLICATION.

Peter Henry Schouten, Sr. and Nova Darlene Schouten, 3728 County Road 229, Hico, Texas 76457 have applied to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No.

WQ0005387000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to confine 2,000 head of dairy heifers. The location of this proposed operation was previously permitted as a State-only dairy cattle facility with 480 head, all of which were milking cows, under the CAFO individual permit with Permit Number WQ0003656000. The permit was canceled on October 12, 2021. TCEQ received this application on May 12, 2022.

The facility is located on the north side of State Highway 6 on County Road 2495 which is approximately 5.5 miles east of the intersection of State Highway 6 and US Highway 281, in Bosque County, Texas. The facility is located in the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.949722,31.983055&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. This permit is consistent with the requirements of the antidegradation implementation procedures in 30 Texas Administrative Code §307.5 (c)(2)(G) of the Texas Surface Water Quality Standards and no lowering of water quality is anticipated. The TCEQ Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's Preliminary Decision, and draft permit are available for viewing and copying at the Bosque County Extension Office, 104 S Fuller Street, Meridian, Texas.

CONTESTED CASE HEARING.

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

10:00 a.m. – March 10, 2025

To join the Zoom meeting via computer:

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

Meeting ID: 160 852 5254

Password: TCEQ575

or

To join the Zoom meeting via telephone:

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

Meeting ID: 160 852 5254

Password: 2416159

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

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on April 23, 2024. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: January 27, 2025

A handwritten signature in black ink that reads "Laurie Gharis". The script is fluid and cursive, with the first name "Laurie" and last name "Gharis" clearly distinguishable.

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality