



# TAD News

## August 2007

3500 William D. Tate Ave.  
Suite 100  
Grapevine, TX 76051  
(817) 410-4576  
(817) 410-4541 (fax)  
[www.milk4texas.org](http://www.milk4texas.org)

John Cowan  
Executive Director

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**Next TAD Board Meeting:**  
**1 p.m., Wednesday, Sept. 26**  
Grapevine, Texas

## TAD's agenda stays full over summer

Dr. Tamilee Nennich and I presented an environmental compliance training program to 23 dairy farmers at a TAD-sponsored dairy producer meeting held Aug. 9 at the Winnsboro Livestock Auction barn. This joint project developed by TAD and Texas Cooperative Extension (TCE) is designed to assist dairymen with environmental regulations and how those regulations affect them as dairy operators.

**Manager's Update**  
John Cowan

Texas Commission on Environmental Quality (TCEQ) rules can apply to any size dairy, not just large AFOs or CAFOs, so it is very important all dairy owners/operators have a good understanding of them. If you have a question, don't hesitate to contact me.

On Aug. 22, TAD sponsored and coordinated a meeting of our Bovine Tuberculosis Industry Working Group to review and discuss proposed rules the Texas Animal Health Commission is considering adopting. Dr. Dee Ellis and Dr. Brad Williams from Texas and animal health officials from New Mexico and Oklahoma assisted the working group on ways the dairy and livestock industries can protect producers' livestock herds from exposure to TB.

Following a lot of discussion regarding USDA/federal rules compared to state rules, the group reached a consensus that we need to get more involved at the federal level. Bovine TB is not a public health issue, but it has potentially huge economic issues for livestock producers, particularly if a state has more than two infected herds over a two year period. The working group will meet with federal officials to encourage revision of USDA rules regarding the frequency issue.

Included with this newsletter you will find some information that can help you with the agriculture labor/immigration concerns now being hotly debated. TAD will continue to press for federal legislation that allows farmers to operate without fear of some violation they cannot control.

The material can also be found at our Web site, [www.milk4texas.org](http://www.milk4texas.org). ▪

## What's Thai for "milk"?

Foreign attaches based in Washington, D.C., on behalf of about 30 countries will be traveling to Texas to learn firsthand our state's agriculture industry.

Including on the itinerary is a tour on Sept. 10 of Mission Dairy, assisted by the Texas Association of Dairymen. TAD also will sponsor a meal for the group during its West Texas visit.

The tour, sponsored by the U.S. Department of Agriculture, is part of the 100 year celebration of the Texas Department of Agriculture.

Centennial festivities will be held Sept. 14 and 15 in the Fort Worth Stockyards. Events will include a reception, gala, exhibits, fun run and a concert by Clay Walker. TAD is serving as a sponsor of the TDA events.

For more information on TDA's 100 Year Celebration, visit [www.100yearstda.com](http://www.100yearstda.com). ▪

## Texas schools win grants to develop energy from agriculture sources

The Sun Grant Initiative has awarded approximately \$2.5 million in grants over the next three years to 17 projects that will develop and enhance new sources of energy based on agricultural products. Funding is from the U.S. Department of Transportation.

To find out what projects will be undertaken by researchers and scientists at universities including, in Texas, Texas A&M University, Tarleton State University and Angelo State University, visit [www.sungrant.okstate.edu](http://www.sungrant.okstate.edu).

The Sun Grant Initiative is a national program established to create new solutions for America's energy needs and to revitalize rural communities by working with land-grant universities and their federal and state laboratory partners on research, education and extension programs. ▪

# Erath County dairy permit application hits delay at TCEQ

By *Shavne Woodard, TAD lobbyist*

After years of delays and administrative haggling, the Hidden View Dairy's individual Confined Animal Feeding Operation (CAFO) permit application was heard Aug. 22 by the Texas Commission on Environmental Quality (TCEQ).

Hidden View requested authorization to expand its dairy facility from 2,000 head to a maximum of 3,000 head, of which 2,500 head are milking cows.

Hidden View is the first dairy in the Bosque Watershed to request an expansion and to go before the TCEQ to test the "individual permit process" instituted by the Texas Legislature in 2001.

With a current vacancy after the resignation of Kathleen White from the three member TCEQ, Chairman Buddy Garcia (chairing his first meeting) and Commissioner Larry Soward at the hearing debated and at times agonized over the abusive tactics used by the Lone Star Sierra Club to contest Hidden View's permit application.

The commission essentially had two options at the hearing.

Option one was to deny claims by affected landowners and issue the permit.

Option two was to send any outstanding issues to a judge at the State Office of Administrative Hearings (SOAH) for further verification/review, adding additional delay to the permit process.

Even though no neighbor living within 100 miles of the dairy opposed the application, offensive procedures by the Lone Star Sierra Club representing an absentee landowner from Dallas was enough to spook the commission to effectively add at least another six-month delay to Hidden View's application process by sending it to SOAH.

During the hearing, state Rep. Sid Miller, R-Stephenville, did an outstanding job speaking in support of Hidden View and the entire dairy industry in the region.

## Lone Star Sierra Club abuses the process

During his comments, Miller described to the Commission the Lone Star Sierra Club's gimmick – claiming that one of its members is an adjacent property owner to Hidden View and therefore should have "standing" in the case; this puts additional onus on Hidden View to show that its expansion will not cause undo environmental harm.

The Lone Star Sierra Club, after concealing this landowner's name for months, finally revealed the name of the potentially harmed landowner as a woman who lives in Dallas but whose family is a neighbor of Hidden View.

The lateness of the revelation did not sit well with Soward, who commented at the hearing, "It's troubling that a party would withhold such information so that we couldn't timely review it and let all the other parties timely review it. Especially on the very fundamental issue like affectedness. That's troubling to me."

Under Commission rules, commissioners were prevented at the hearing from considering and reviewing information discovered by Hidden View's legal counsel that indicated the landowner does not have current interest in the adjacent land.

## Hidden View hearing at TCEQ

Webcast can be heard at:

[www.texasadmin.com/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

For a transcript, contact John Cowan at TAD

Rules also prevented them from reviewing a letter sent in support of the dairy's permit by the woman's family, who lives on the property adjacent to Hidden View.

Commissioners did not open the hearing to allow lawyers for Hidden View or the Lone Star Sierra Club to make oral arguments over the last minute Sierra Club gimmick.

Soward openly stated that he feared denying "standing" to the Dallas member because it could be appealed in a state district court, creating even more delay for a final decision for Hidden View Dairy. A troubled Garcia grudgingly agreed with Soward.

## Commission vote and its implications

In an attempt to move the process along, the two commissioners voted to send the Hidden View application to SOAH for a contested case hearing on approximately 12 of the 22 "fact issues" contained in the permit application.

The Commissioner set the duration of hearing at what Austin insiders perceive to be "a fairly expedited time frame" of six months to review the pending issues.

During the nearly 30 minute-hearing, several items that could positively impact other Bosque individual permit applicants were openly discussed by the TCEQ staff and Commissioners. For example:

- Texas Clean Water Action, representing "water drinkers" from Lake Waco, was denied standing in the Hidden View proceeding because of the long distance between the dairy site and Waco.
- Other owners of land in the county, who merely claimed they "might be" adjacent to third party land application fields, were denied standing.
- Other owners of property approximately five miles downstream from Hidden View Dairy were denied standing, again because of distance.
- Soward expressed the view that "if this [application] were simply a conversion from a registration to an individual permit" without an increase in head count, he would "have a completely different view" of the right to a hearing (implying no hearing would be granted). ■

## Visit [www.milk4texas.com](http://www.milk4texas.com)

- Resources on labor and immigration
- TAD newsletters
- Other helpful information for dairy producers