TO: Persons on the Attached Mailing List

RE: Docket No. 2016-1210-IWD

FML Sand, LLC

Request(s) filed on Permit No.WQ0005166000

To Whom It May Concern:

This is a formal written response by FML Sand to the request for hearing in regards to Permit No. WQ005166000. Below, in Attachment A, you will find FML Sand's responses to the 22 areas of concern by the requestors/interested parties.

To obtain additional information, or to ask questions about anything in this letter, please let us know and we will respond in a timely manner.

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DOCKET NO. 2016-1210-IWD; PERMIT NO. WQ0005166000

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REQUESTER(S)/INTERESTED PERSON(S):

John J. Vay

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ATTACHMENT A

1. The Protesting Parties do not believe the application contains all items and information necessary for administrative and technical completeness under the agency's rules

FML Sand became aware of issues with the initial posting. FML Sand worked with Gordon Cooper of TCEQ, and began the process of resubmitting and re-noticing the NAPD Notice with a revised NAPD notice, the approved draft permit, and the complete application for the proposed TPDES permit No. WQ0005166000. Initial conversations for this re-notice began with emails between Trent Campbell (FML Sand LLC) and Gordon Cooper (TCEQ) on December 15, 2015.

On January 14, 2016, the newly completed NAPD Notice Packet folder containing completed application, draft permit, and NAPD notice was all made available at the library and the NAPD packet was mailed to the Chief Clerk's Office. All of this was done after a reissue of Public Notice in the local newspaper as well. This was all done in accordance to Gordon Cooper's instructions and verified as the process progressed through February 2016.

2. The Protesting Parties do not believe the wastewater and stormwater generating process descriptions set forth in the application are sufficiently specific to properly quantify and regulate contributions and discharges from all sources of pollutants at the facility.

FML Sand hired a qualified third party consultant, Zephyr Environmental, to develop the TPDES permit application submittal. The Zephyr Environmental Project Manager is a professional engineer and is well qualified to put the application together. All relevant information required by the application was put together by Zephyr Environmental and FML Sand.

3. The Protesting Parties do not believe that all potential sources of pollutants associated with the facility are sufficiently identified in the application.

The Protesting Parties are referring to the Resin Coated Sand Facility located on the FML Sand property. FML Sand did inform Zephyr Environmental of the facility and it was taken into consideration during the application process. This facility is fully enclosed with nothing associated with the process ever coming in contact with the environment outside.

All on-site raw materials do have a SDS sheets associated with them. In working with Gordon Cooper of TCEQ, all SDS sheets were disclosed to TCEQ for the mining process along with the Resin Coating process. This was done just to be 100% transparent even though the Resin Coating facility is not being utilized.

4. The Protesting Parties do not believe all species of pollutants that will be managed and discharged by the operations have been identified, quantified, and addressed in the application and draft permit.

In addition to in the information provided by #2 and #3 above, FML Sand is also required by TCEQ under a General Storm Water Multi-Sector Permit to sample 2x per year and submit to TCEQ a Benchmark report that includes test results for Total Suspended Solids (TSS) and Nitrates. It is also required to submit an annual Discharge Monitoring Report for that shows testing results and limitations for hazardous metals to TCEQ. Both of the reports are derived from samples collected and submitted downstream of our process in designated outfalls. This would be the same area from which any discharges would flow. In the TPDES, a requirement would be to sample and submit for testing should ever any discharges occur.

Also, a technical report developed by Zephyr Environmental was submitted in the application. This report was discussed in more detail between Robin Cosgrove and Gordon Cooper during the review process as well.

5. The Protesting Parties do not believe the applicant's proposed controls and treatment equipment constitute the best available technology and otherwise meet regulatory requirements.

FML Sand believes that the processes and controls identified in the application are more than adequate. During the months since submitting the TPDES application, all controls and treatment equipment have been more than adequate in their abilities to meet regulatory requirements. FML Sand is also always striving for continual improvement. Our entire process performs for efficiently with regular maintenance and upkeep for the entire facility.

6. The Protesting Parties do not believe the applicant's proposed controls and treatment equipment are capable of meeting the effluent limitations, performance characteristics and efficiencies set forth in the application.

FML Sand process engineers worked with Zephyr Environmental to discuss existing and future process controls for the water management system at the site. The results of this discussion was the application processed by TCEQ. In the months since submission for the application, additional controls have been made to reduce a process water flow towards our retention ponds. We now have little to no water at all in these ponds as it is being redirected back into our process for better water conservation.

7. The Protesting Parties believe the draft permit is not sufficiently definite in its terms and conditions to ensure that the applicant is held to the representations in made in the application and during the application process.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all terms and conditions required by the permit application and TCEQ.

8. The Protesting Parties believe the draft permit is not sufficiently definite in its terms and condition to ensure compliance with the applicable water quality standards and regulations.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all terms and conditions of water quality standards and regulations and TCEQ.

9. The Protesting Parties do not believe the receiving waters have sufficiently well-defined beds and banks, topographic relief, and other stream characteristics necessary to effectively convey discharges downstream to assure proper assimilation of entrained pollutants.

The stream characteristics of the receiving waters are adequate to convey the proposed discharges. Additionally, with the most recent best management processes implemented almost all flow toward the outfall has been eliminated. This will to assure proper management of process water, storm water, and pollutants associated with those flows.

10. The Protesting Parties do not believe the location, dimensions, freeboard, and liners for the applicant's surface impoundments are adequate to prevent unauthorized discharges to surface water, groundwater and the protestants' property and meet effluent limitations.

The water discharge pollutant of concern is Total Suspended Solids. FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ.

11. The Protesting Parties do not believe the proposed facilities and discharges will be protective of public health, aquatic resources, terrestrial life, and other environmental and economic resources.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ.

12. The Protesting Parties believe the proposed facilities and discharges will cause or contribute to a condition of water pollution.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ water quality.

13. The Protesting Parties believe the proposed facilities and discharges will be cause or contribute to nuisance conditions.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ.

14. The Protesting Parties believe the proposed facilities and discharges will be injurious to human health, animals and livestock.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ.

15. The Protesting Parties believe the proposed facilities and discharges will adversely impact the quality of water on or near the Protestants' property.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality.

16. The Protesting Parties believe the proposed facilities and discharges will diminish and degrade the quality of water in the receiving drainage-ways or swales, Tiger Creek and other receiving waters.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality.

17. The Protesting Parties believe the proposed facilities, discharges, and permit will negatively exceed the in-stream surface water quality standards and other criteria for the receiving waters and river segment.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality.

18. The Protesting Parties believe the proposed facilities, discharges, and permit will cause nuisance conditions in and along the receiving drainage-ways or swales, Tiger Creek and other receiving waters.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality and the surrounding environment.

19. The Protesting Parties believe the proposed facilities, discharges, and permit will negatively exceed the in-stream surface water quality standards and other criteria for the receiving waters and river segment.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality and the surrounding environment.

20. The Protesting Parties believe the proposed facilities and discharges will impair (not maintain and protect) the existing uses of Tiger Creek and other receiving waters.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality and the surrounding environment.

21. The Protesting Parties believe the proposed facilities and discharges will violate the anti-degradation policy and requirements.

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality and the surrounding environment.

22. The Protesting Parties believe approval of the application and issuance of a permit will contravene the intent of the Texas Water Quality Act (Chapter 26 of the Texas Water Code).

FML Sand and Zephyr Environmental worked alongside TCEQ to ensure that all information provided would meet all requirements by the permit application and TCEQ for water quality and the surrounding environment.