

Richard O. Gingrich Jr.
Managing Partner-RGRG JR, LTD a family limited partnership
P.O. Box 171
11510 State Highway 188
Sinton, Texas 78387
361-537-1629
Rog62267@aol.com

April 27, 2023

TO: Office of Chief Clerk
ATTN: Agenda Docket Clerk
Mail Code 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Docket No. 2023-0442-IWD
Steel Dynamics Southwest, LLC (Applicant)
Request(s) filed on Permit NO. WQ0005283000

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Mail Code 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Permit NO. WQ0005283000

Dear Chief Clerk, TCEQ,

Please find this letter to serve notice that I am requesting the Executive Director to reconsider the decision made concerning TPDES Permit NO. WQ0005283000. I continue to request a contested hearing concerning the issuance of this permit.

I am replying to the Executive Director of the TCEQ regarding Docket No.2023-0442-IWD, Steel Dynamics Southwest, LLC (Applicant). Request filed on Permit No. WQ0005283000.

The following are responses to Steel Dynamic's arguments as well as the recommendations made by the Executive Director and the Office of Public Interest Counsel's response.

SDI Introduction, Section I, paragraph A

Fact: SDI wants to amend their permit.

Fact: Steel Dynamics entered into discussions and agreements with The Aransas Project, an environmental watchdog group based in Houston Texas who had objected to this permit being issued.

Fact: I had discussions with Jim Blackburn, president of The Aransas Project. I did not like the plan of action he was suggesting in dealing with the SDI permit issue. I ultimately made Jim Blackburn aware that I was not interested in working with The Aransas Project nor himself.

Fact: At the public meeting held in Sinton, Texas, SDI representatives presented an overall answer about this “natural filter project.” Mentioning that it is the first of its kind attempted. As no previous success history is noted, this measure is a theoretical long shot to control heavy metal toxins entering Chiltipin Creek.

Fact: Steel Dynamics Inc. made attempt to settle the issues with The Aransas Project and one unnamed party (for privacy reasons). Not one of us listed as affected persons were contacted. I will name the unnamed party when I obtain permission to expose their identity.

Fact: Steel Dynamics Inc. has support from out-of-state professional experts. The Coastal Bend area marine biology programs and their experts offer no public support of this permit or its ideologies. The University of Texas Marine Institute located in Port Aransas Texas and the Harte Research Institute at Texas A&M University located in Corpus Christi have not given any public support for this project. These Institutions are local and should be the most reliable source for information and direction in protecting and saving our water and marine resources.

Fact: Work on Lavaca Bay is listed as an accomplishment. Lavaca Bay has been destroyed by industrial plants releasing effluent water which made its way into the Lavaca Bay. Lavaca Bay is now one of the EPA Superfund sites. Exhibit # 1, Texas Observer website.

SDI argument, Section I, Paragraph A, sub (i)

Steel Dynamics claims that no requester has demonstrated that they are an “affected party” with a justiciable interest. The Executive Director’s Response to Comments supports this conclusion. The Office of Public Interest finds that I have shown that I am a qualified affected person, as my interests are protected by law.

Fact: Steel Dynamics made all of us listed requestors, as well as neighbors not listed in this proceeding, “affected parties” when it submitted their application, showing our properties are included in a one-mile plant buffer zone. Our water wells are located within this zone. It is our drinking water, therefore, we are “affected parties”. Exhibit # 2 is a copy of the buffer zone encompassing our properties. It was obtained in the Sinton Public Library. It is in the application for Permit No. WQ0005283000, submitted by Steel Dynamics Southwest.

SDI argument, Section II, paragraph A

Fact: Steel Dynamics argument that water cannot flow backwards is incorrect. This statement is untrue as it pertains to Chiltipin Creek. Chiltipin Creek is a wet weather creek and has no flowable headwaters. The speed as to which water in the Chiltipin Creek recedes is highly contingent on the schedule of high and low tides in

our bay systems, and how much storm water has drained into it. Some areas of the creek are narrow and full of brush which causes the water to back up. When the levels and water pressure of the Chiltipin Creek are low, the strong winds will cause a backflow condition that will push the water the opposite direction onto my property.

Fact: RGRG JR, LTD owns to the centerline of the Chiltipin Creek. SDI owns the opposite bank to the same centerline. SDI's water discharges have caused water to back up onto our property in areas typically grazed in dry conditions. These areas are totally submerged now. Exhibit # 3 is a survey of the RGRG JR LTD land to support this claim.

The Office of Public Interest response, page 7

This response deals with validity of ownership in the 572-acre tract. This tract of land was originally purchased by Richard and Rosario Gingrich. We then transferred the tract to RGRG JR, LTD a limited family partnership, owned by Richard, Rosario and Olivia Gingrich. I am the managing partner of our limited family partnership and have legal rights to conduct all business and interests pertaining to the partnership. Exhibit # 3, land survey supports this claim. Legal deed documents can be provided if requested to prove ownership.

The Office of Public Interest, issues raised in Hearing Requests, Page 9

Question of whether Facility and draft permit are adequately protective of water quality including stormwater runoff and groundwater?

Fact: I, Richard O. Gingrich Jr., assert that this permit does not adequately protect our water quality including storm water runoff and groundwater. At the public hearing, I asked a question about storm water runoff entering the SDI made ditches on the West side of the plant and never received an answer directly to the question asked. I am concerned about scrap material yards and areas all around the plant outside of plant operating areas. This water enters the ditches and enters the Chiltipin Creek directly in front my house on the Chiltipin Creek.

Fact: TCEQ has cited SDI for particulate matter emissions being on the roadways leading to the slag processing areas. Company and Contractor vehicles using these roads around the SDI Campus, proving a concern that by-product materials are not being contained, these materials have the ability of washing into these manmade ditches which ultimately end up in the Chiltipin Creek on my property. These materials could leach into our groundwater. A copy of the TCEQ exit interview form is included. Labeled # 4.

Question of whether the Facility and draft permit are adequately protective of human health and animal life, including livestock?

Fact: In the permit there is no mention of testing to a human or cattle standard. The permit application does not mention groundwater effects or leaching potential. In fact, the testing mentioned references a water flea as the tested comparison. Neither us landowners(humans), our groundwater nor our cattle have been considered in the application permitting process. The testing is not stringent enough to protect us. Steel Dynamics Southwest has not adequately proven that toxic materials released into Chiltipin Creek will not leach into our groundwater. It has not factually proven that it will not harm our livestock when ingested.

Question of whether the Executive Director adequately considered the Applicant's compliance history?

Fact: Steel Dynamics has a published history of violations and citations. I listed this as a matter fact. The EPA ECHO website lists multiple facilities owned by Steel Dynamics. There are multiple documented cases of effluent water releases at several sites that were over the permitted limits.

In closing, I respectfully ask that the Commissioners grant us landowners the opportunity to raise our concerns in a contested court hearing, allowing all concerned parties involved to have a voice and accountability to the proper procedures, expectations and requirements of the TCEQ and not harm the integrity of this process.

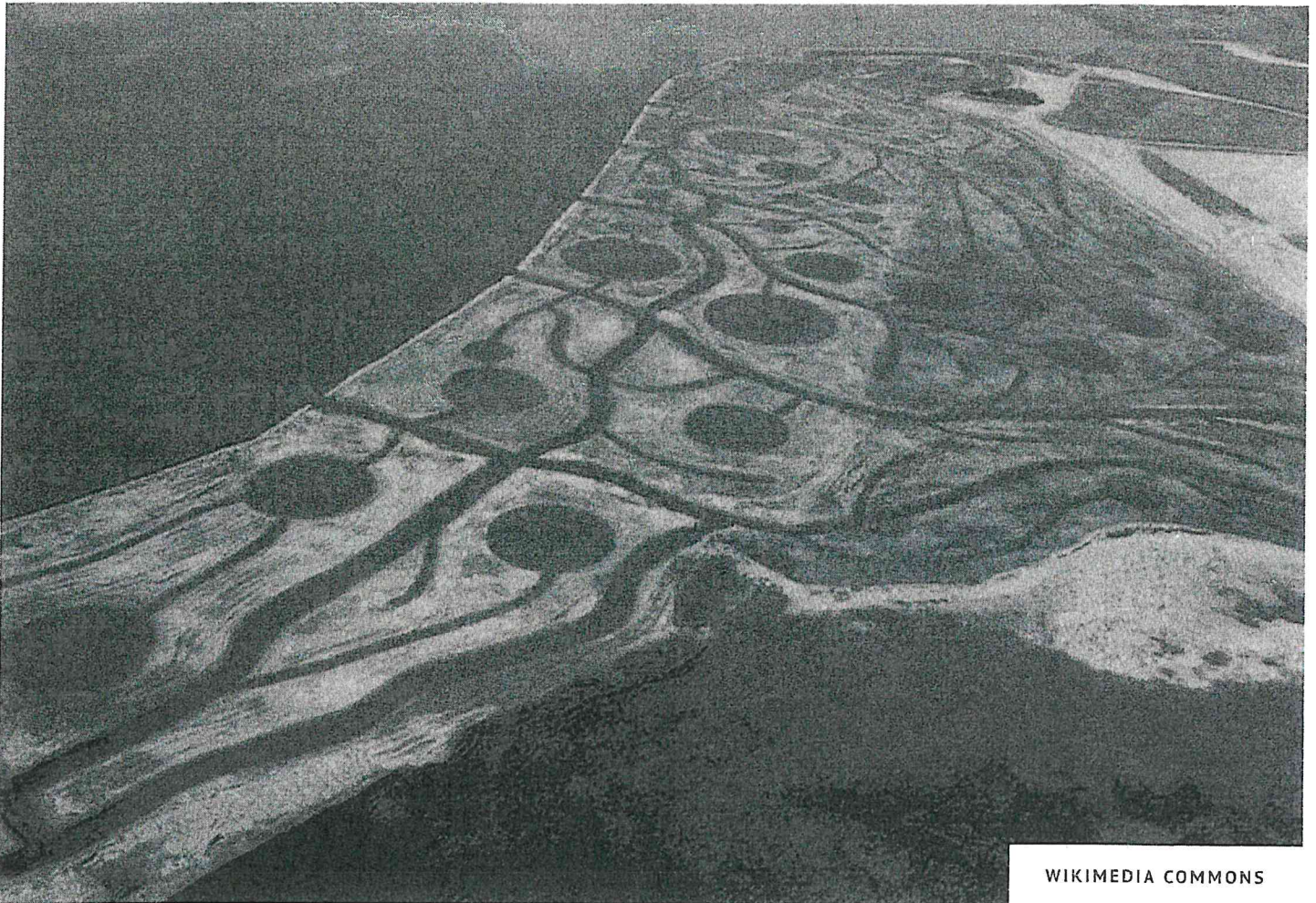
Sincerely,

A handwritten signature in blue ink, appearing to read "Richard O. Gingrich Jr.", written in a cursive style.

**Richard O. Gingrich Jr.
Managing Partner-RGRG JR, LTD a family limited partnership**

Exhibit #1

JOIN



WIKIMEDIA COMMONS

ENVIRONMENT

A SUPERTHREAT TO THE GULF COAST'S LAVACA BAY

A port's dredging plans pose a man-made threat to a Texas Superfund site already
hammered by hurricanes.

by **DELGER ERDENESANAA** and **LISE OLSEN**

FEBRUARY 18, 2022, 11:32 AM, CST

Lavaca Bay, a steel, gray waterway along the Central Texas Coast, is home to one of the most notorious Superfund sites in Texas—a huge, abandoned industrial plant complex (and island full of dredge materials) that leaches toxic mercury into surrounding waters, creating a zone where, for decades, the fish has been too dangerous for humans to eat.

The hulking complex near the town of Point Comfort is already **one of about 49 Superfund sites** in the United States considered the most vulnerable to climate change. Indeed, Lavaca Bay already has been repeatedly hammered by major storms, including Hurricane Harvey in 2017 and Tropical Storm Beta in 2020.

But the latest threat to unleash more mercury is entirely man-made. In January 2021, the Port Calhoun Authority voted to approve a public-private partnership with the Houston-based oil company Max Midstream to deepen and widen the bay's existing shipping channel by 2023. Max Midstream is expected to invest \$360 million in the project, **including \$120 million in public bond funds**. The company, which acquired an existing pipeline that led to the port, has already begun shipping oil through it and plans to greatly increase its operations there.

This plan could further stir up trouble in the still-scenic waterway, according to recent report issued by both university researchers and a consultant hired by environmental groups.

New data released Wednesday by nonprofit environmental organizations shows that even after decades of capping pollutants and careful monitoring, many hotspots remain in the path of the proposed dredging sites that contain levels of mercury considered dangerous by the Environmental Protection Agency. Those hotspots show up in 2021 monitoring reports of mercury done by Alcoa, a company that owned a huge manufacturing plant

there and is still held legally responsible for cleaning up piles of mercury as part of an EPA-approved Superfund plan. (A spokesman for Alcoa, the world's sixth largest producer of aluminum, did not respond to an email request for comment.)

Mercury from the environment can build up in fish, and has been linked to reproductive problems as well as brain and heart damage in humans who consume contaminated fish. While mercury concentrations in the bay's fish and shellfish have gone down in the decades since the Alcoa plant closed, the risk remains high enough that the waters around the Superfund site are still closed to fishing. The EPA's strategy for cleaning up the site depends on mercury getting buried in sediment at the bottom of the bay. But now, that sediment might get dredged up again.

Lauren Fleer, a former engineer at the U.S. Army Corps of Engineers who now works for the Environmental Integrity Project, one of the organizations backing the new **report**, is concerned that the proposed dredging could reverse what progress the EPA has made.

"The entire basis of the remedy is that the contamination will stay buried," she said.

The report says that the Port's dredging plan could spread dangerous levels of mercury far beyond the Superfund monitoring area, increasing hazards and potential harms for people who try to catch and consume fish in neighboring waters. The dredging plan poses potential risks for more than one community on the Texas Coast: Lavaca Bay connects directly to the adjacent Matagorda and San Antonio Bays, which include some of Texas' most popular and productive fishing grounds.

Diane Wilson—a fourth generation shrimper, **longtime activist**, and executive director of the San Antonio Estuary Waterkeeper—has spent years trying to advocate for more careful monitoring of the mercury and opposing plans that could disturb the contaminants, poison more fish and shellfish and adversely affect small communities around the bays.

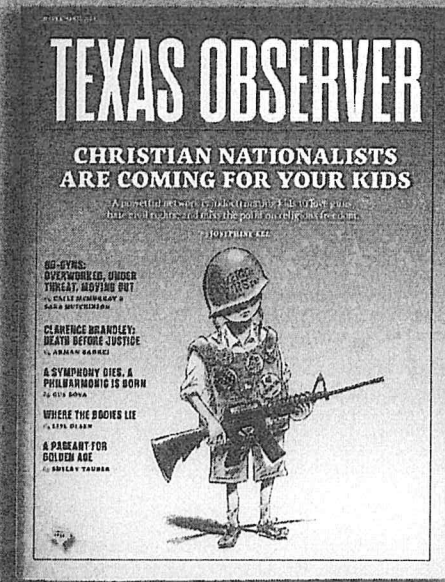
"What the Corps, MaxMidstream, and the Calhoun Port authority are

proposing by dredging the Matagorda Bay ship channel is a doomsday scenario; a future where the bay won't be healed, the fisheries will die, and our fishing communities will become ghost towns," said Wilson, who lives in the tiny bayfront town of Seadrift.

Wilson and an increasingly large group of activists are opposing the port's application for a dredging permit from the U.S. Army Corps of Engineers and calling for more consideration of the potential environmental damage it could unleash. The permit remains under review by the Corps, the agency that oversees dredging projects in coastal waters nationwide.

"For the Army Corps to be able to say whether the proposed project poses a threat to wildlife within the bay and potentially to human health, you've got to collect the data," said Jessica Dutton, a biologist at Texas State University who conducted the new report supporting Earthjustice and the Environmental Integrity Project's call for additional review. "At the moment, we don't have that data," she explained.

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Jim Blackburn, a Houston-based environmental attorney who serves as president of the Matagorda Bay Foundation, one of the groups that opposes the dredging, said the current plan flatly makes no sense and he hopes the Corps will deny the permit.

“We’re talking about threatening the seafood production from an entire bay

system for the benefit of that one company,” he said. “We’ve got to stop bending over backwards for one hydrocarbon project where that’s not where we want to put that kind of attention.”

Blackburn said new report echos warnings in a previous report authored by researchers at the Harte Institute of Research that also found that the Port of Calhoun’s dredging plans for their MaxMidstream partnership would not protect the surrounding waterways from the risk of spreading the toxic mercury pollution in the sediments—or from disposal of contaminated spoils that would excavated during the project. Ironically, the **previous study** was paid for out of a fund created in 2021 as part of a settlement of a lawsuit that Wilson and others filed against Formosa, another company that has been fined and sued for **its own pollution—dumping plastic pellets for years in the waters of Lavaca Bay.**

Both reports bolster the positions of a growing number of fishing and environmental groups along the coast that are opposing the dredging permit.

A spokesperson for the U.S. Army Corps of Engineers wrote in a statement that the project is now in the pre-construction and design phase, and the deadline for public comments has passed.

“The concerns over the potential for mercury contamination in sediments – as expressed in the Earth Justice report sent to the U.S. Army Corps of Engineers – was previously captured in the environmental review that culminated in the Matagorda Ship Channel Final Environmental Impact Statement and Chief’s Report signed on 15 November 2019. Consistent with the requirements of the FEIS, a sediment testing plan was developed and coordinated with the EPA to be then executed with our non-federal partner... All final designs and construction activities will remain fully NEPA compliant, guided by the laws, statutes and authorities granted to the Corps of Engineers,” the statement said.

The spokesperson also said that the Corps would continue to partner with the EPA and other government agencies to ensure the project complies with all laws and regulations.

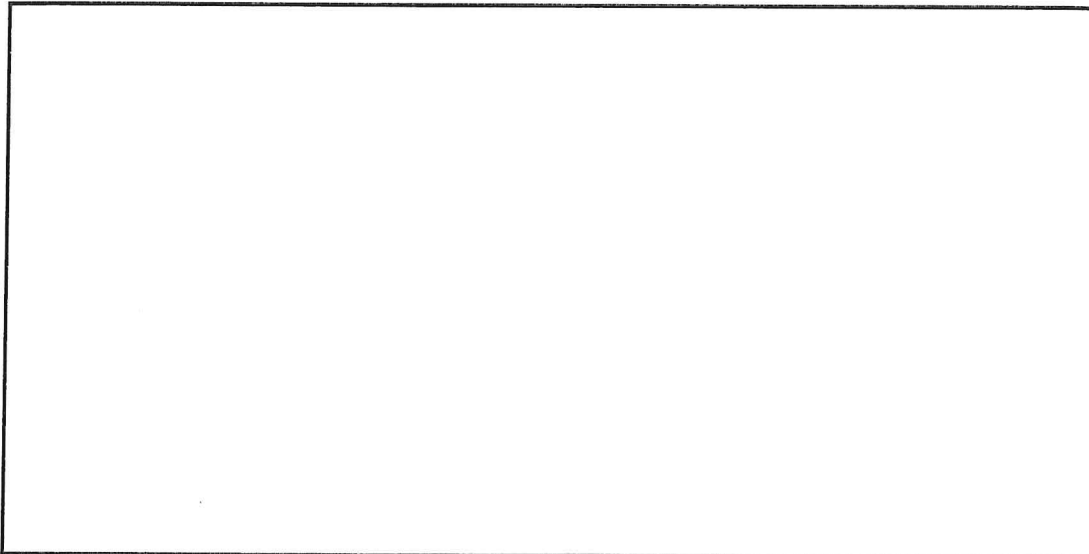
Aside from the mercury risk, there's also the project's likely end effect of increasing Texas' oil production by expanding the state's export capacity.

"They're planning a project to export fossil fuels for 50 more years," Fler said. The Corps should consider the corresponding greenhouse gas emissions from the project into its review, she added.

The Port of Calhoun did not respond to a request for comment for this story, nor did the spokesperson for Max Midstream.

As an attorney, Blackburn has a long history of suing polluters to try to protect Texas waterways. He said the small port's previous dredging proposals were better—and its latest proposal "has a much lower level of protection." But at this point, he questions why the port would take such a huge environmental gamble at all.

"The first question is why are we doing this? And do we really need to do this? What worries me is this is kind of the last gasp of somebody trying to make money off of oil and gas —and do something that's poorly conceived," Blackburn said.

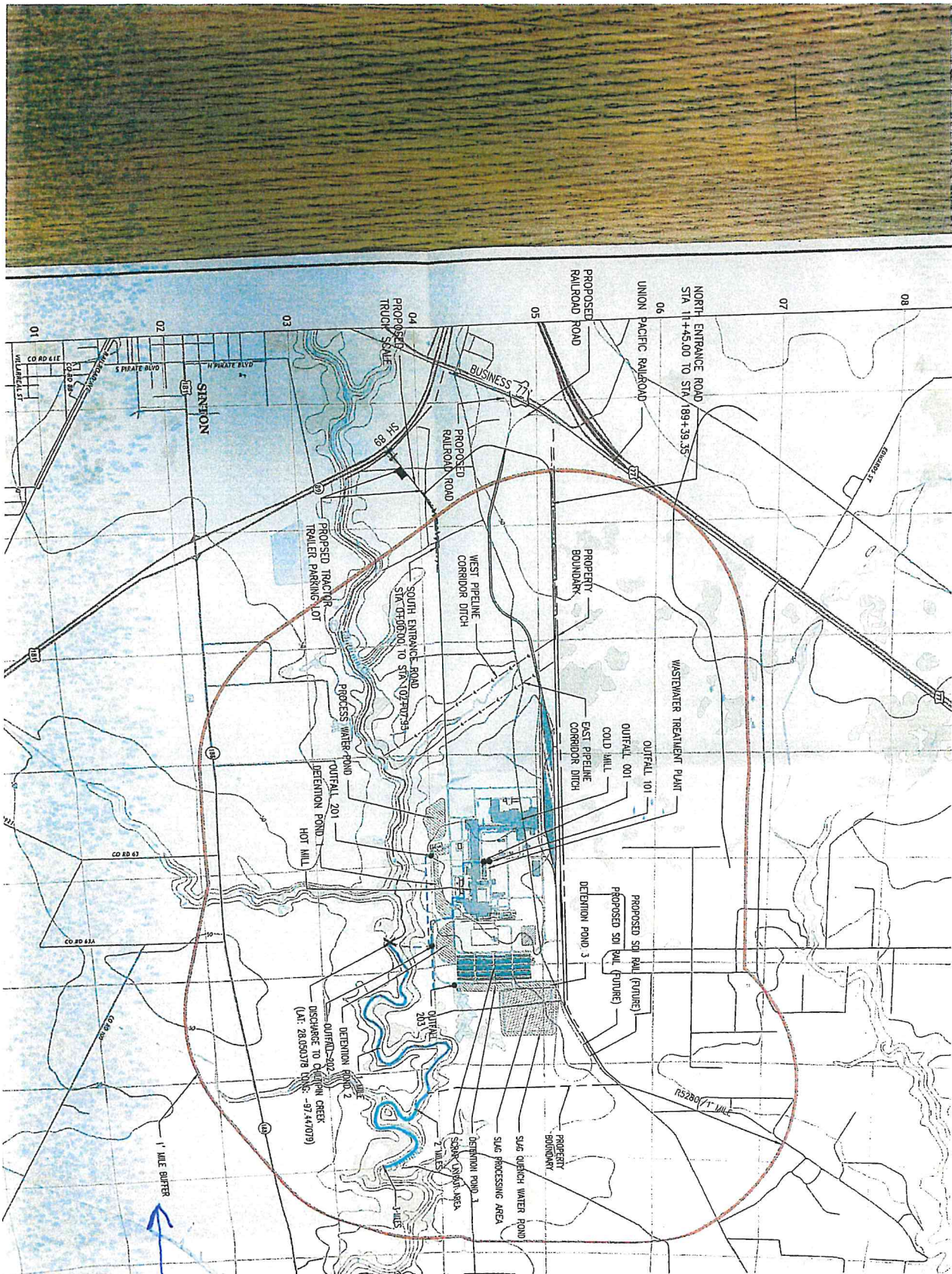


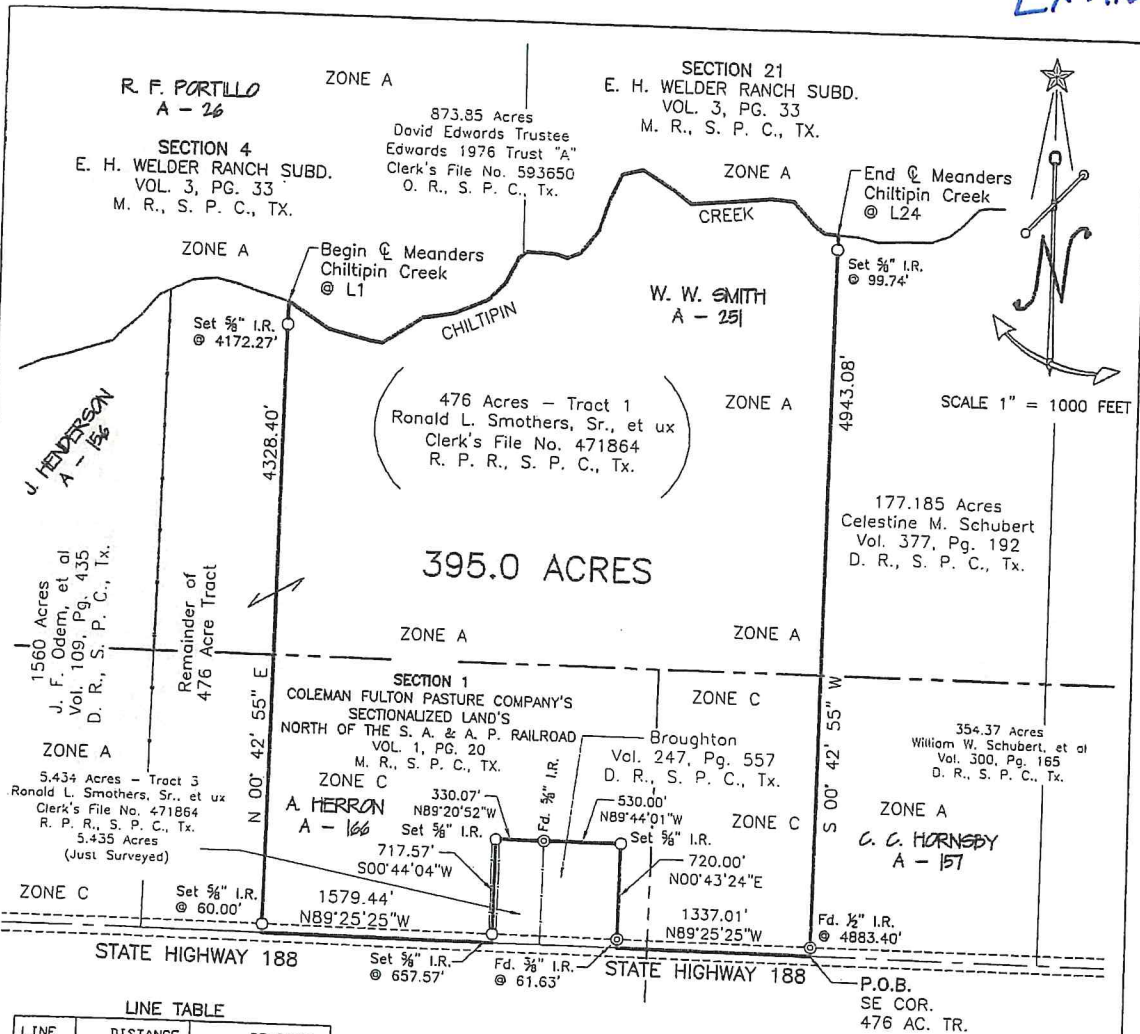
DELGER ERDENESANAA is a staff writer at the Texas Observer who covers climate change and the environment, as well as related health and economic issues. She was previously a reporting fellow at Inside Climate News, and studied science, health, and environmental reporting at New York University. She is based in San Antonio.

LISE OLSEN is a Houston-based senior reporter and editor at the Texas Observer. Lise has investigated many twisted Texas tales, including crooked judges, an unjust execution, massive environmental disasters, myriad cases of corporate and public corruption, and unsolved serial killings. Her reports in three states over 20 years contributed to the prosecutions of a former congressman and a federal judge, inspired laws and reforms, helped solve cold cases, restored names to unidentified murder victims, and freed dozens of wrongfully-held prisoners. Her work is featured in CNN's "The Wrong Man" (2015) about the innocence claims of executed offender Ruben Cantu and the six-part A&E series on the victims of a 1970s serial killer, The Eleven, (2017). She is the author of Code of Silence: Sexual Misconduct by Federal Judges, the Secret System that Protects Them and the Women who Blew the Whistle.

TAGS: CENTRAL TEXAS, ENVIRONMENT, SUPERFUND

EXHIBIT #2





LINE TABLE

LINE	DISTANCE	BEARING
L1	326.22	S57°30'44\"E
L2	306.79	S76°29'20\"E
L3	80.53	S82°51'44\"E
L4	325.26	N56°49'36\"E
L5	216.30	N80°23'38\"E
L6	253.78	N67°13'10\"E
L7	170.05	N45°22'14\"E
L8	169.44	N25°35'03\"E
L9	77.93	N53°54'48\"E
L10	184.75	S89°12'35\"E
L11	92.90	S74°22'13\"E
L12	93.90	N69°21'01\"E
L13	206.91	N37°50'00\"E
L14	218.66	N18°28'22\"E
L15	196.69	N24°26'16\"E
L16	148.90	N76°46'33\"E
L17	253.86	S59°10'44\"E
L18	150.00	S52°42'55\"E
L19	304.64	N84°17'06\"E
L20	256.32	N85°05'09\"E
L21	156.11	S85°05'33\"E
L22	234.46	S43°03'02\"E
L23	70.81	S54°27'09\"E
L24	93.23	S85°27'52\"E

PLAT SHOWING SURVEY OF A
 395.0 ACRE TRACT OF LAND
 OUT OF
 THE W. W. SMITH SURVEY, ABSTRACT 251,
 THE A. HERRON SURVEY, ABSTRACT 166,
 AND THE C. C. HORNSBY SURVEY, ABSTRACT 157
 AND OUT OF
 SECTION 1
 COLEMAN FULTON PASTURE COMPANY'S SECTIONALIZED LAND
 NORTH OF THE S. A. & A. P. RAILROAD, MAP RECORDED
 IN VOLUME 1, PAGE 20 OF THE MAP RECORDS OF
 SAN PATRICIO COUNTY, TEXAS
 SCALE 1" = 1000 FEET

There may be existing pipelines not shown on this map. Use the Texas One Call System to locate existing pipelines before performing any excavation on this property.

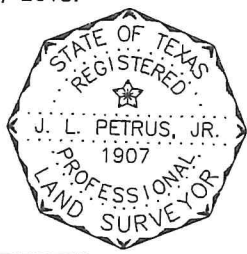
The Fema Flood maps show that the property described herein is located in Flood Zone A and Flood Zone C. Community-Panel No. 485506 0250C. Revised March 18, 1985. Please contact your local floodplain administrator for base flood elevations & building permits.

Bearings are GPS, Texas State Plane Coordinate System of NAD 1927, South Zone.

A metes and bounds description was prepared in conjunction with this plat.

I, Julius L. Petrus, Jr., Registered Professional Land Surveyor of Texas, do hereby state that this plat represents an actual survey made under my direction, to the best of my knowledge and ability, this the 9th day of September, 2013.

King & Petrus, Inc.
 P. O. Box 606
 Sinton, Texas 78387
 Phone 361-364-2622
 Fax 361-364-2641
 C:\RAR\22500\22545_395AC
 C:\MAPDATA\DATA\13259SAN\RIN



J. L. Petrus, Jr.

Registered Prof. Land Survey
 Texas Registration No. 1907



STATE OF TEXAS
COUNTY OF SAN PATRICIO

395.0 ACRES

Field notes of a 395.0 acre tract of land, being out of a 476 acre (Tract 1) tract of land conveyed from H. & K. Construction Company to Ronald L. Smothers, Sr., et ux, by Warranty Deed dated May 25, 1999, and recorded in Clerk's File No. 471864 of the Real Property Records of San Patricio County, Texas;

Said 395.0 acre tract is part of Section 1 of the Coleman Fulton Pasture Company's Sectionalized Land's north of the S. A. & A. P. Railroad, as shown on map recorded in Volume 1, Page 20 of the Map Records of San Patricio County, Texas;

Said 395.0 acre tract of land is comprised of a portion of the W. W. Smith Survey, Abstract 251, the A. Herron Survey, Abstract 166, and the C. C. Hornsby Survey, Abstract 157, is situated in San Patricio County, Texas; approximately 2.5 miles east of the town of Sinton, and is described by metes and bounds as follows:

Beginning at a point in the centerline of State Highway 188, at the southwest corner of a 177.185 acre tract of land conveyed to Celestine M. Schubert by Deed recorded in Volume 377, Page 192 of the Deed Records of San Patricio County, Texas; for the southeast corner of said 476 acre tract and the southeast corner of this tract;

Thence N 89° 25' 25" W along the centerline of said State Highway 188, the easterly south line of said 476 acre tract, and the easterly south line of this tract, a distance of 1337.01 feet to a point for the easterly southwest corner of said 476 acre tract and the easterly southwest corner of this tract;

Thence N 00° 43' 24" E along an interior line of said 476 acre tract and an interior line of this tract, at 61.63 feet pass a 3/8" iron rod found near the north right-of-way line of said State Highway 188 for a line marker, in all a distance of 720.00 feet to a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set for an interior corner of said 476 acre tract and an interior corner of this tract;

Thence N 89° 44' 01" W along an interior line of said 476 acre tract and an interior line of this tract, a distance of 530.00 feet to a 5/8" iron rod found at the northeast corner of a 5.434 acre tract of land Tract 3 conveyed from H. & K. Construction Company to Ronald L. Smothers, Sr., et ux, by Warranty Deed dated May 25, 1999, and recorded in Clerk's File No. 471864 of the Real Property Records of San Patricio County, Texas; for an angle corner of said 476 acre tract and an angle corner of this tract;

Thence N 89° 20' 52" W along the north line of said 5.434 acre tract, continuing along an interior line of said 476 acre tract, and an interior line of this tract, a distance of 330.07 feet to a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set at the northwest corner of said 5.434 acre tract, for an interior corner of said 476 acre tract and an interior corner of this tract;

Thence S 00° 44' 04" W along the west line of said 5.434 acre tract, an interior line of said 476 acre tract, and an interior line of this tract, at 657.57 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set near the north right-of-way line of said State Highway 188 for a line marker, in all a distance of 717.57 feet to a point in the centerline of said State Highway 188 and at the southwest corner of said 5.434 acre tract, for the westerly southeast corner of said 476 acre tract and the westerly southeast corner of this tract;

Thence N 89° 25' 25" W along the centerline of said State Highway 188, the westerly south line of said 476 acre tract, and the westerly south line of this tract, a distance of 1579.44 feet to a point for the southwest corner of this tract;

Thence N 00° 42' 55" E across said 476 acre tract and along the west line of this tract, at 60.00 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set in the north right-of-way line of said State Highway 188 for a line marker, at 4172.27 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set for a line marker, in all a distance of 4328.40 feet to a point in the centerline of Chiltipin Creek and the north line of said 476 acre tract, for the northwest corner of this tract;

Thence in a generally easterly direction along the meanders of the centerline of said Chiltipin Creek, the north line of said 476 acre tract, and the north line of this tract as follows:

S 57° 30' 44" E	326.22 feet;
S 76° 29' 20" E	306.79 feet;
S 82° 51' 44" E	80.53 feet;
N 56° 48' 56" E	325.26 feet;

N 80° 23' 38" E	216.30 feet;
N 67° 13' 10" E	253.78 feet;
N 45° 22' 14" E	170.05 feet;
N 25° 35' 03" E	188.44 feet;
N 53° 54' 48" E	77.93 feet;
S 88° 12' 39" E	184.75 feet;
S 74° 22' 15" E	92.90 feet;
N 68° 21' 01" E	93.90 feet;
N 37° 50' 00" E	206.91 feet;
N 18° 28' 22" E	218.66 feet;
N 24° 26' 16" E	196.69 feet;
N 76° 46' 33" E	148.90 feet;
S 59° 10' 44" E	253.86 feet;
S 52° 42' 55" E	150.00 feet;
N 84° 17' 06" E	304.64 feet;
N 85° 05' 09" E	256.32 feet;
S 85° 03' 33" E	156.11 feet;
S 43° 03' 02" E	234.46 feet;
S 54° 27' 09" E	70.81 feet;
S 85° 27' 52" E	93.23 feet to a point at the northwest corner of said

177.185 acre tract, for the northeast corner of said 476 acre tract and the northeast corner of this tract;

Thence S 00° 42' 55" W along the west line of said 177.185 acre tract, the east line of said 476 acre tract, and the east line of this tract, at 99.74 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set for a line marker and at 4883.40 feet pass a 1/2" iron rod found near the north right-of-way line of said State Highway 188 for a line marker, in all a distance of 4943.08 feet to the point of beginning, containing 395.0 acres of land, more or less, subject to all easements of record.

Bearings are GPS, Texas State Plane Coordinate System of NAD 1927, South Zone.

I, Julius L. Petrus, Jr., Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground this the 9th day of September, 2013.



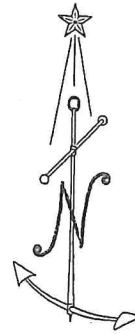
Registered Professional Land Surveyor
Texas Registration No. 1907

RAR : 22549

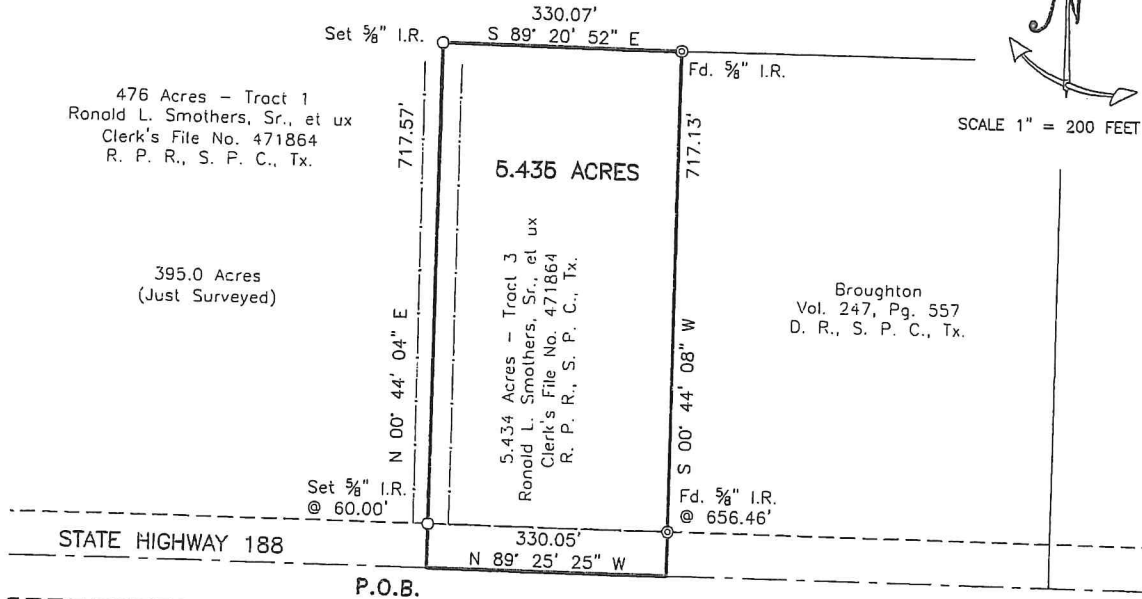
A PLAT WAS PREPARED IN CONJUNCTION WITH THIS METES AND BOUNDS DESCRIPTION.

SECTION 1
 COLEMAN FULTON PASTURE COMPANY'S
 SECTIONALIZED LAND'S
 NORTH OF THE S. A. & A. P. RAILROAD
 VOL. 1, PG. 20
 M. R., S. P. C., TX.

A. HERRON
 A - 166



SCALE 1" = 200 FEET



NOTES:

There may be existing pipelines not shown on this map. Use the Texas One Call System to locate existing pipelines before performing any excavation on this property.

The Fema Flood maps show that the property described herein is located in Flood Zone C. An area of minimal flooding. Community-Panel No. 485506 0250C. Revised March 18, 1985. Please contact your local floodplain administrator for base flood elevations & building permits.

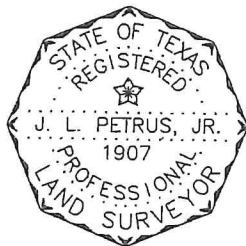
Bearings are GPS, Texas State Plane Coordinate System of NAD 1927, South Zone.

A metes and bounds description was prepared in conjunction with this plat.

PLAT SHOWING SURVEY OF A
 5.435 ACRE TRACT OF LAND
 OUT OF THE
 A. HERRON SURVEY, ABSTRACT 166
 AND OUT OF
 SECTION 1
 COLEMAN FULTON PASTURE COMPANY'S SECTIONALIZED LAND'S
 NORTH OF THE S. A. & A. P. RAILROAD
 MAP RECORDED IN VOLUME 1, PAGE 20 OF THE MAP RECORDS OF
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I, Julius L. Petrus, Jr., Registered Professional Land Surveyor of Texas, do hereby state that this plat represents an actual survey made under my direction, to the best of my knowledge and ability, this the 9th day of September, 2013.

King & Petrus, Inc.
 P. O. Box 606
 Sinton, Texas 78387
 Phone 361-364-2622
 Fax 361-364-2641
 C:\RAR\22500\22545_5.4ACRES
 C:\MAPDATA\DATA\13259SAN\RIN



Registered Prof. Land Survey
 Texas Registration No. 1907



STATE OF TEXAS
COUNTY OF SAN PATRICIO

5.435 ACRES

Field notes of a 5.435 acre tract of land, being the same tract described as 5.434 acres (Tract 3) conveyed from H. & K. Construction Company to Ronald L. Smothers, Sr., et ux, by Warranty Deed dated May 25, 1999, and recorded in Clerk's File No. 471864 of the Real Property Records of San Patricio county, Texas;

Said 5.435 acre tract is out of Section 1 of the Coleman Fulton Pasture Company's Sectionalized Land north of the S. A. & A. P. Railroad, as shown on map recorded in Volume 1, Page 20 of the Map Records of San Patricio County, Texas;

Said 5.435 acre tract of land is comprised of a portion of the A. Herron Survey, Abstract 166, is situated in San Patricio County, Texas; approximately 2.5 miles east of the town of Sinton, and is described by metes and bounds as follows:

Beginning at a point in the centerline of State Highway 188, at the westerly southeast corner of a 476 acre (Tract 1) tract of land conveyed from H. & K. Construction Company to Ronald L. Smothers, Sr., et ux, by Warranty Deed dated May 25, 1999, and recorded in Clerk's File No. 471864 of the Real Property Records of San Patricio County, Texas; for the southwest corner of said 5.434 acre tract and the southwest corner of this tract;

Thence N 00° 44' 04" E along an interior line of said 476 acre tract, the west line of said 5.434 acre tract, and the west line of this tract, at 60.00 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set in the north right-of-way line of said State Highway 188 for a line marker, in all a distance of 717.57 feet to a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set at an interior corner of said 476 acre tract, for the northwest corner of said 5.434 acre tract and the northwest corner of this tract;

Thence S 89° 20' 52" E along an interior south line of said 476 acre tract, the north line of said 5.434 acre tract, and the north line of this tract, a distance of 330.07 feet to a 5/8" iron rod found for the northeast corner of said 5.434 acre tract and the northeast corner of this tract;

Thence S 00° 44' 08" W along the east line of said 5.434 acre tract and the east line of this tract, at 656.46 feet pass a 5/8" iron rod found near the north right-of-way line of said State Highway 188 for a line marker, in all a distance of 717.13 feet to a point in the centerline of said State Highway 188 for the southeast corner of said 5.434 acre tract and the southeast corner of this tract;

Thence N 89° 25' 25" W along the centerline of said State Highway 188, the south line of said 5.434 acre tract, and the south line of this tract, a distance of 330.05 feet to the point of beginning, containing 5.435 acres of land, more or less, subject to all easements of record.

Bearings are GPS, Texas State Plane Coordinate System of NAD 1927, South Zone.

I, Julius L. Petrus, Jr., Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground this the 9th day of September, 2013.

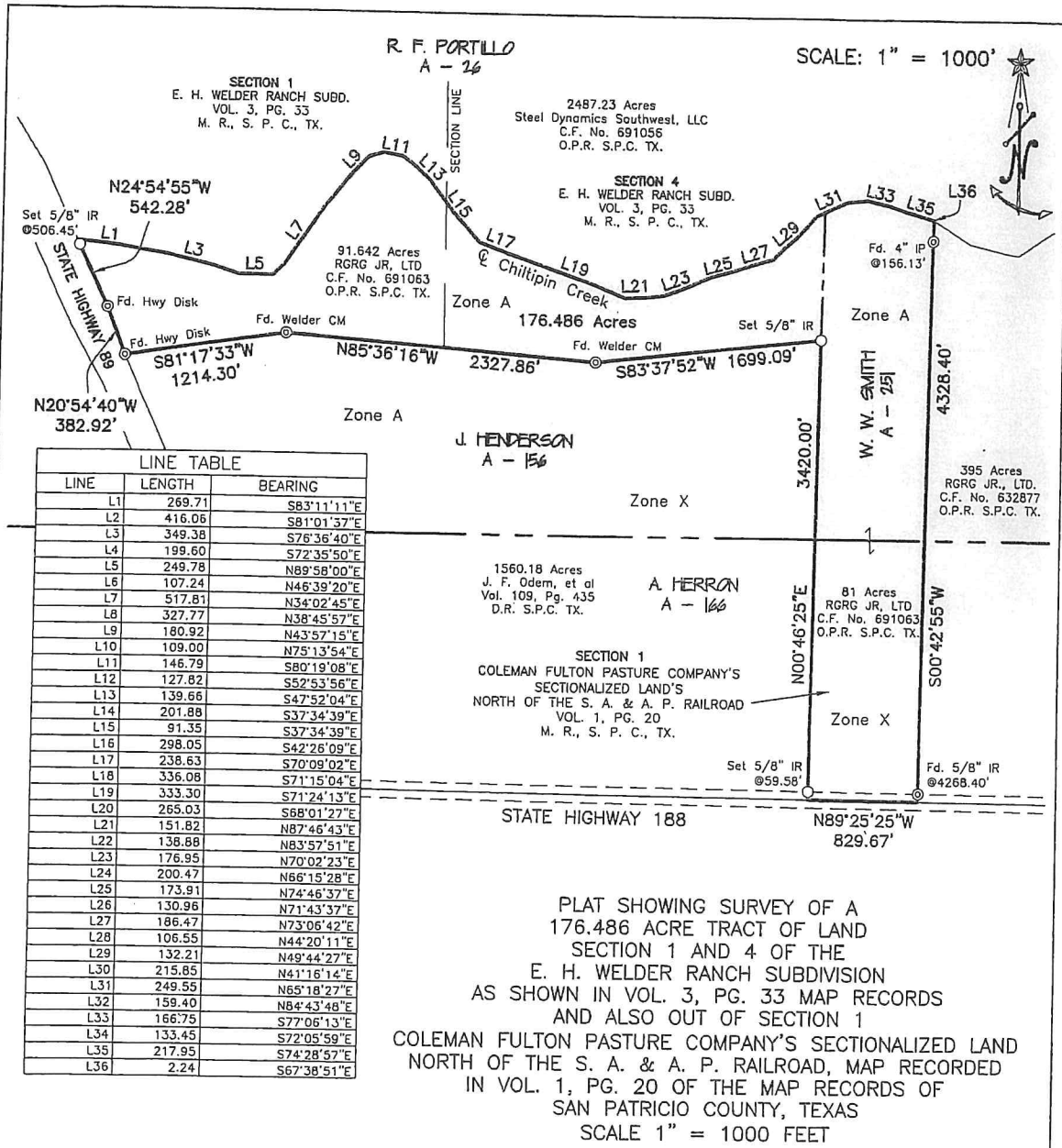


A handwritten signature in cursive script that reads "J. L. Petrus, Jr." with a large, sweeping flourish at the end.

Registered Professional Land Surveyor
Texas Registration No. 1907

RAR : 22549_5.4AC

A PLAT WAS PREPARED IN CONJUNCTION WITH THIS METES AND BOUNDS DESCRIPTION.



LINE TABLE

LINE	LENGTH	BEARING
L1	269.71	S83°11'11"E
L2	416.06	S81°01'57"E
L3	349.38	S76°36'40"E
L4	199.60	S72°35'50"E
L5	249.78	N89°58'00"E
L6	107.24	N46°39'20"E
L7	517.81	N34°02'45"E
L8	327.77	N38°45'57"E
L9	180.92	N43°57'15"E
L10	109.00	N75°13'54"E
L11	146.79	S80°19'08"E
L12	127.82	S52°53'56"E
L13	139.66	S47°52'04"E
L14	201.88	S37°34'39"E
L15	91.35	S37°34'39"E
L16	298.05	S42°26'09"E
L17	238.63	S70°09'02"E
L18	336.08	S71°15'04"E
L19	333.30	S71°24'13"E
L20	265.03	S68°01'27"E
L21	151.82	N87°46'43"E
L22	138.88	N83°57'51"E
L23	176.95	N70°02'23"E
L24	200.47	N66°15'28"E
L25	173.91	N74°46'37"E
L26	130.96	N71°43'37"E
L27	186.47	N73°06'42"E
L28	106.55	N44°20'11"E
L29	132.21	N49°44'27"E
L30	215.85	N41°16'14"E
L31	249.55	N65°18'27"E
L32	159.40	N84°43'48"E
L33	166.75	S77°06'13"E
L34	133.45	S72°05'59"E
L35	217.95	S74°28'57"E
L36	2.24	S67°38'51"E

PLAT SHOWING SURVEY OF A
 176.486 ACRE TRACT OF LAND
 SECTION 1 AND 4 OF THE
 E. H. WELDER RANCH SUBDIVISION
 AS SHOWN IN VOL. 3, PG. 33 MAP RECORDS
 AND ALSO OUT OF SECTION 1
 COLEMAN FULTON PASTURE COMPANY'S SECTIONALIZED LAND
 NORTH OF THE S. A. & A. P. RAILROAD, MAP RECORDED
 IN VOL. 1, PG. 20 OF THE MAP RECORDS OF
 SAN PATRICIO COUNTY, TEXAS
 SCALE 1" = 1000 FEET

There may be existing pipelines not shown on this map. Use the Texas One Call System to locate existing pipelines before performing any excavation on this property.

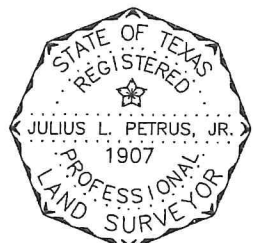
The Fema Flood maps show that the property described herein is located in Flood Zone A and Flood Zone X. Community—Panel No. 48409C0275E. Effective date: 11/04/2016
Please contact your local floodplain administrator for base flood elevations & building permits.

Bearings are GPS, Texas State Plane Coordinate System of NAD 1927, South Zone.

A metes and bounds description was prepared in conjunction with this plat.

I, Julius L. Petrus, Jr., Registered Professional Land Surveyor of Texas, do hereby state that this plat represents an actual survey made under my direction, to the best of my knowledge and ability, this the 26th day of March, 2020.

King & Petrus, Inc.
 Firm No. 10127600
 P. O. Box 606
 Sinton, Texas 78387
 Phone 361-364-2622
 Fax 361-364-2641
 C:\MRJ\26000\26018



Registered Prof. Land Surveyor
 Texas Registration No. 1907

STATE OF TEXAS
COUNTY OF SAN PATRICIO

176.486 ACRES

Field notes of a 176.486 acre tract of land, being all of an 81 acre tract and a 91.642 acre tract described in Special Warranty Deed, dated August 6, 2019, from Ronald L. Smothers, Sr., et ux, to RGRG JR, LTD, recorded in Clerk's File No. 691063 of the Official Public Records of San Patricio County, Texas;

Said 176.486 acre tract is part of Section 1 of the Coleman Fulton Pasture Company's Sectionalized Land's north of the S. A. & A. P. Railroad, as shown on map recorded in Volume 1, Page 20 of the Map Records of San Patricio County, Texas; and part of Section 1 and Section 4 of the E. H. Welder Ranch Subdivision as shown on map recorded in Volume 3, Page 33 of the Map Records of San Patricio County, Texas;

Said 176.486 acre tract of land is comprised of a portion of the W. W. Smith Survey, Abstract 251, the A. Herron Survey, Abstract 166, and the J. Henderson Survey, Abstract 156, is situated in San Patricio County, Texas; approximately 2 miles east of the town of Sinton, and is described by metes and bounds as follows:

Beginning at a point in the centerline of State Highway 188, at the southwest corner of said 81 acre tract, for the easterly southwest corner of this tract;

Thence N 00° 46' 25" E along the east line of a 1560.18 acre tract described in Deed to J. F. Odem, et al, recorded in Volume 109, Pg. 435 of the Deed Records of San Patricio County, Texas; the west line of said 81 acre tract and a west line of this tract, at 59.58 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set for a line marker, in all a distance of 3420.00 feet to a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set at the northeast corner of said 1560.18 acre tract and the southeast corner of said 91.642 acre tract, for an interior corner of this tract;

Thence S 83° 37' 52" W along the north line of said 1560.18 acre tract, the south line of said 91.642 acre tract and a south line of this tract, a distance of 1699.09 feet to a Welder concrete monument found, for an angle corner of said 91.642 acre tract and an angle corner of this tract;

Thence N 85° 36' 16" W continuing along the north line of said 1560.18 acre tract, the south line of said 91.642 acre tract and a south line of this tract, a distance of 2327.86 feet to a Welder concrete monument found, for an angle corner of said 91.642 acre tract and an angle corner of this tract;

Thence S 81° 17' 33" W continuing along the north line of said 1560.18 acre tract, the south line of said 91.642 acre tract and a south line of this tract, a distance of 1214.30 feet to a highway disk found in the east line of State Highway 89, for the southwest corner of said 91.642 acre tract and the westerly southwest corner of this tract;

Thence N 20° 54' 40" W along the east line of said State Highway 89, the west line of said 91.642 acre tract, and a west line of this tract, a distance of 382.92 feet to a highway disk found for an angle corner of said 91.642 acre tract and an angle corner of this tract;

Thence N 24° 54' 55" W continuing along the east line of said State Highway 89, the west line of said 91.642 acre tract, and a west line of this tract, at 506.45 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set for a line marker, in all a distance of 542.28 feet to a point in the centerline of Chiltipin Creek, at the southwest corner of a 2487.23 acre tract described in Special Warranty Deed to Steel Dynamics Southwest, LLC, recorded in Clerk's File No. 691056 of the Official Public Records of San Patricio County, Texas; for the northwest corner of said 91.642 acre tract and the northwest corner of this tract;

Thence in a generally easterly direction along the meanders of the centerline of said Chiltipin Creek, the south line of said 2487.23 acre tract, the north line of said 91.642 acre tract, and the north line of this tract as follows:

S83°11'11"E	269.71 feet,
S81°01'37"E	416.06 feet,
S76°36'40"E	349.38 feet,
S72°35'50"E	199.60 feet,
N89°58'00"E	249.78 feet,
N46°39'20"E	107.24 feet,
N34°02'45"E	517.81 feet,
N38°45'57"E	327.77 feet,
N43°57'15"E	180.92 feet,

N75°13'54"E	109.00 feet,
S80°19'08"E	146.79 feet,
S52°53'56"E	127.82 feet,
S47°52'04"E	139.66 feet,
S37°34'39"E	201.88 feet,
S37°34'39"E	91.35 feet,
S42°26'09"E	298.05 feet,
S70°09'02"E	238.63 feet,
S71°15'04"E	336.08 feet,
S71°24'13"E	333.30 feet,
S68°01'27"E	265.03 feet,
N87°46'43"E	151.82 feet,
N83°57'51"E	138.88 feet,
N70°02'23"E	176.95 feet,
N66°15'28"E	200.47 feet,
N74°46'37"E	173.91 feet,
N71°43'37"E	130.96 feet,
N73°06'42"E	186.47 feet,
N44°20'11"E	106.55 feet,
N49°44'27"E	132.21 feet,
N41°16'14"E	215.85 feet,
N65°18'27"E	249.55 feet,
N84°43'48"E	159.40 feet,
S77°06'13"E	166.75 feet,
S72°05'59"E	133.45 feet,
S74°28'57"E	217.95 feet,
S67°38'51"E	2.24 feet to a point at the northwest corner of a

395 acre tract of land, described in Special Warranty Deed to RGR JR, LTD recorded in Clerk's File No. 632696 of the Official Public Records of San Patricio County, Texas; for the northeast corner of said 81 acre tract and the north east corner of this tract;

Thence S 00° 42' 55" W along the west line of said 395 acre tract, the east line of said 81 acre tract, and the east line of this tract, at 156.13 feet pass a 5/8" iron rod with surveyor's cap stamped "RPLS 1907" set for a line marker and at 4268.40 feet pass a 5/8" iron rod found near the north right-of-way line of said State Highway 188 for a line marker, in all a distance of 4328.40 feet to a point in the centerline of said State Highway 188, at the southwest corner of said 395 acre tract, for the southeast corner of said 81 acre tract and the southeast corner of this tract;

Thence N 89° 25' 25" W along the centerline of said State Highway 188, south line of said 81 acre tract, and a south line of this tract, a distance of 829.67 feet to the point of beginning, containing 176.486 acres of land, more or less, subject to all easements of record.

Bearings are GRID, Texas Coordinate System of 1927, South Zone.

I, Julius L. Petrus, Jr., Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground this the 27th day of March, 2020.



A handwritten signature in cursive script that reads "J. L. Petrus, Jr."

Registered Professional Land Surveyor
Texas Registration No. 1907

MRJ: 26020

A PLAT WAS PREPARED IN CONJUNCTION WITH THIS METES AND BOUNDS DESCRIPTION.

Exhibit # 4


TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Request

Regulated Entity/Site Name		Steel Dynamics Southwest LLC (SDI) - Sinton Mill		TCEQ RN No.	RN110750965/CN605646041	
Investigation Type	AIR Cmpl	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Complaint Investigation No. 1868117 Incident Nos: 393129, 393216, 393898, 394402, 394559, 394658, 394672, 394673	
Regulated Entity Contact(s)	Mr. Jon Ritter, Ms. Meagan, and Mr. Dennis Black		Telephone No.	361.424.6315	Date Contacted	03/09/2023
Title	Environmental Engineer, Environmental Engineer, and General Manager, respectively		Email address	[REDACTED]	[REDACTED]	[REDACTED]

Violations: Any potential or alleged violations discovered after the date on this form will be communicated to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

No.	Type ¹	Rule Citation (if known)	Description of Issue
1	AV	Title 30 TEXAS ADMINISTRATIVE CODE (30 TAC) §§101.20(3) and 116.115(b)&(c) New Source Review (NSR) Permit No. 156458/PSDXTX1562M1 (12/27/2022), General Conditions (GCs) and Special Condition (SC) 67G Title 5C TEXAS HEALTH AND SAFETY CODE (5C THSC) §382.085(b)	Alleged Violation Description: Failure to maintain visible fugitive emission records as required. Specifically, Steel Dynamics Southwest LLC (SDI) - Steel Dynamics Southwest (Sinton Mill) failed to maintain Calendar Year 2022 quarterly visible fugitive emission observations from the scrap loading/unloading and roads and travel areas. Recommended Corrective Actions: Submit to the TCEQ Corpus Christi Office written corrective actions implemented to prevent a similar noncompliance in the future. Provide the date of any training and provide the most-recent completed record.
2	O	Additional Issue	On January 12, 2023, between 1230 hours to 1430 hours, during a TCEQ onsite investigation of the SDI - Sinton Mill, investigators observed fugitive particulate matter (PM) emissions on unpaved roads due to vehicle and heavy equipment traffic in the Slag Processing area that is operated by Levy Texas Mill Services. SDI - Sinton Mill and Levy Texas Mill Services represented in NSR Permit No. 156458/PSDXTX1562M1's application under the Slag Processing process description (Section 2.11 - Slag Processing) that PM emissions will be controlled through a Fugitive Dust Plan. In the Fugitive Dust Plan, on page 3 of 6, under section "Roadway and Vehicle Movement Areas" for "Unpaved Roads", SDI and Levy Texas Mill Services represent that fugitive emissions are controlled by spraying roads with a water truck, that the speed limit is 10 miles per hour (mph) on the Pot Hauler Road, and that that speed limit is 5 mph on the Levy Yard Roads. Upon entering the Levy Texas Mill Services area, the investigators observed PM dust plumes resulting from vehicles and heavy equipment that appeared to exceed speed limits while traveling on unpaved roads. It is noted that PM emissions were not observed leaving the property.

Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Document Acknowledgment. Signature on this document establishes only that the regulated entity (RE) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, the document will be sent via FAX or Email to RE; therefore, the RE signature is not required.		
Cindy Smith		
Cindy.Smith@ceq.texas.gov	03/09/2023	
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Signed & Printed)

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

MAILING LIST
Steel Dynamics Southwest, LLC
TCEQ Docket No. 2023-0442-IWD; Permit No. WQ0005283000

FOR THE APPLICANT

Dennis Black, General Manager
Steel Dynamics Southwest, LLC
8534 Highway 89
Sinton, Texas 78387

Jon Ritter, Environmental Engineer
Steel Dynamics Southwest, LLC
8534 Highway 89
Sinton, Texas 78387

Tara Ducrest, Environmental Scientist
Hanson Professional Services, Inc.
4201 Gollihar Road
Corpus Christi, Texas 78411

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental
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Environmental Law Division, MC-173
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Kathy.humphreys@tceq.texas.gov

Thomas Starr, Technical Staff
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Ryan Vise, Deputy Director
Texas Commission on Environmental
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External Relations Division
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FOR PUBLIC INTEREST COUNSEL

via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
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Public Interest Counsel, MC-103
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Garrett.arthru@tceq.texas.gov

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
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Kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK
via eFilings:

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

REQUESTER(S)/ INTERESTED PERSON(S)

See attached list.

REQUESTER(S)

Janet Cumbie
3002 Encino Ave
Bay City, TX 77414-2748

Marlene Davis
12322 Blue Water Dr
Austin, TX 78758-2803

Richard O Gingrich Jr
PO Box 171
Sinton, TX 78387-0171

Rebecca Hartmann
8600 Coppertowne Ln
Apt 902
Dallas, TX 75243-8043

Donna Rosson
2119 Bay Breeze
Portland, TX 78374-4156

Gary William Schubert
178 Walter St
Roslindale, MA 02131-1522

Miriam Schubert
PO Box 594
Woodsboro, TX 78393-0594

PUBLIC OFFICIALS - INTERESTED
PERSON(S)

The Honorable J M Lozano
State Representative, Texas House of
Representatives District 43
1512 Wildcat Dr Ste A Ste 106
Portland, TX 78374-2840

The Honorable J M Lozano
State Representative, Texas House of
Representatives District 43
PO Box 2910
Austin, TX 78768-2910

INTERESTED PERSON(S)

Thomas Brunks
7207 County Road 4287
Aransas Pass, TX 78336-8952

Heather & Jay Cohea
11478 State Highway 188
Sinton, TX 78387-5539

Heather & Jay Cohea
PO Box 644
Sinton, TX 78387-0644

Heather Cohea
662 Silver Creek Rd
Sinton, TX 78387-5086

Heather Cohea
11464 State Highway 188
Sinton, TX 78387-5539

Heather Cohea
PO Box 644
Sinton, TX 78387-0644

Mike Culbertson
3006 Moore Ave
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B Allen Cumbie
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Bay City, TX 77414-4919

Bryan A French
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Galveston, TX 77554-8042

Dennis Hagy
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Sinton, TX 78387-5539

Mollie Mauch
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Goliad, TX 77963-0756

Edmond R McCarthy Jr
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1122 Colorado St
Ste 2399
Austin, TX 78701-2100