TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 7, 2023

TO: All interested persons.

RE: Steel Dynamics Southwest LLC
TPDES Permit No. WQ0005283000

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Sinton Public Library, 100 North Pirate Boulevard, Sinton, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

(1) Your name, address, daytime telephone number, and, if possible, a fax number.

(2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

(4) If the request is made by a group or association, the request must identify:

(A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;

(B) the comments on the application submitted by the group that are the basis of the hearing request; and

(C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name,

address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Steel Dynamics Southwest LLC
TPDES Permit No. WQ0005283000

The Executive Director has made the Response to Public Comment (RTC) for the application by Steel Dynamics Southwest LLC for TPDES Permit No. WQ0005283000 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link: https://www.tceq.texas.gov/goto/cid

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0005283000) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Sinton Public Library, 100 North Pirate Boulevard, Sinton, Texas.

MAILING LIST
for
Steel Dynamics Southwest LLC
TPDES Permit No. WQ0005283000

FOR THE APPLICANT:

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Corpus Christi, Texas 78411

Jon Ritter, Environmental Engineer
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8534 Highway 89
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Dennis Black, General Manager
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INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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TPDES PERMIT NO. WQ0005283000

APPLICATION BY STEEL DYNAMICS SOUTHWEST LLC FOR MAJORAMENDMENT OF TPDES PERMIT NO. WQ0005283000	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (RTC) on the application by Steel Dynamics Southwest LLC (SDI) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005283000. As required by Title 30 Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the individuals, groups, and organizations listed in section II, Comments and Responses. Additionally, Texas House of Representatives for District 43, Mr. Jose Manuel Lozano, Jr., requested the TCEQ hold a public meeting. This response addresses all timely public comments received in writing and at the public meeting, whether or not withdrawn.

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

I. BACKGROUND

A. Description of Facility

SDI submitted an application to the TCEQ for a major amendment to TPDES Permit No. WQ0005283000 to remove the domestic sewage treatment facility (domestic sewage is routed to the City of Sinton main WWTF), to reduce daily average flow from 1.56 million gallons per day (MGD) to 1.2 MGD, to incorporate a constructed wetland into the final effluent discharge pathway, to move Outfall 001 and add new Outfall 101, and to add a second paint and galvanizing line to the plant. The draft

permit authorizes the discharge of treated process wastewater, utility wastewater, and previously monitored effluent (PME; treated wastewater via Outfall 101 and coil coating process wastewater via Outfall 201) at a daily average flow not to exceed 1.2 MGD via Outfall 001; and industrial stormwater on an intermittent and flow-variable basis via Outfalls 002, 003, and 004. TCEQ received this application on October 14, 2021.

According to the application, the applicant operates the Sinton Mill, an iron and steel manufacturing and coil coating facility. Direct cooling, indirect cooling, and rinsing will be the primary uses of water throughout the steel plant. Service water will be obtained primarily from the Mary Rhodes pipeline, with some water supplemented by onsite deep wells and routed to a 50-million-gallon (MG) Service Water Storage Pond. Non-contact cooling water (water that does not make direct contact with the steel being processed) systems will consist of Melt Shop non-contact cooling water, Compact Strip Production non-contact cooling water, Cold Mill non-contact cooling water, and General Plant non-contact cooling water. Non-contact cooling water system blowdown may be used as make-up water for the contact cooling systems. Contact water (comes in direct contact with the steel being processed) systems will consist of Compact Strip Production (Caster) contact water, Compact Strip Production (Rolling Mill) contact water, Laminar contact water, and Cold Mill contact water (reverse osmosis). Make-up water for contact water systems will come from the Service Water Storage Pond and blowdown from other non-contact and contact systems. Reverse osmosis (RO) reject water, system blowdown, and sand filter backwash will be routed to the wastewater treatment system.

The blowdown from the contact and non-contact systems will go to the Equalization (EQ) Tank. The sand filter blowdown and various sumps around the mill will be sent to the Backwash Filter Tank. The oily wastewater from the cold mill will be sent to a holding tank then processed by the Dissolved Air Floatation (DAF) unit. RO reject water will go to the Slag Quench System. For the Slag Quench System, water will be sprayed over the top of hot slag then gravity fed to a Slag Quench Pond (0.33-acre surface area), which will recycle water to and from the Slag Quench Processing Area. This process will be continually repeated and result in no discharge. The Slag Quench Retention Pond will intermittently receive RO reject water, service water, and cooling tower blowdown.

For the EQ Tank, water treatment additives will be added to the EQ Tank. Then the water will be routed to neutralization tanks where a caustic will be added to precipitate metals such as zinc. Then a flocculant will be added as the neutralized water is routed to a clarifier. The treated (clean) effluent from the clarifier will be directed to final polishing sand filters prior to discharging via Outfall 001. The backwash from the polishing sand filter may be routed back to the EQ Tank. The sludge collected from the clarifier will be sent to the filter presses to de-water the sludge, with the solids formed into dry cakes and transported off-site. The liquid from the filter press may be routed back to the EQ Tank. The skimmings from the thickener will be sent to the DAF unit. The floating oils will be skimmed off the DAF unit and sent to the Used Oil tank for transport off-site.

Domestic wastewater generated at the site will be routed to the Sinton Main Wastewater Treatment Facility, WQ0010055001. Stormwater from drainage area 1, which will include 319 acres of the facility site southeast of the Administrative Building, the western half of the Cold Mill, the southern half of the Hot Mill, roads, rail spurs, offices, the process gas distribution yard, and an undeveloped area, will be routed to Detention Pond 1 (13.4-acre surface area and 323 MG capacity). Stormwater from drainage area 2, which will include 207 acres of the facility site southwest of the Metal Scrap Storage Area, the eastern half of the Cold Mill, the northern half of the Hot Mill, the process gas distribution yard, the electrical substation, roads, rail spurs, offices, and undeveloped area, will be routed to Detention Pond 2 (12-acre surface area and 225 MG capacity). Stormwater from drainage area 3, which will include 319 acres of the facility site south of the Slag Processing Area and east of the Metal Scrap Storage Area, the north half of the Railroad Marshalling Yard, the Metal Scrap Storage Area, the Slag Processing Area, roads, rail spurs, and an undeveloped area, will be routed to Detention Pond 3 (15-acre surface area and 460 MG capacity). The stormwater detention ponds will be designed using a 25-year storm event.

The facility site is located at 8534 State Highway 89, near Sinton, in San Patricio County, Texas 78387. If the draft permit is issued, the effluent will be discharged via pipe to a constructed wetland (which is not considered water in the state) to Outfall 001 to Ditch 3, thence Ditch 4; or when the constructed wetland is undergoing maintenance the discharge route is via pipe directly to Outfall 001 to Ditch 3, thence to Ditch 4; Outfall 002 to Ditch 1, thence to Ditch 4; and Outfalls 003 and 004 to Ditch 3,

thence to Ditch 4; thence all outfalls to Chiltipin Creek; thence to Chiltipin Creek Tidal, thence to Aransas River Tidal in Segment No. 2003 of the San Antonio-Nueces Coastal Basin. The unclassified receiving water uses are minimal aquatic life use for the Ditches (1, 3, and 4), limited aquatic life use for Chiltipin Creek, and high aquatic use for Chiltipin Creek Tidal. The designated uses for Segment No. 2003 are primary contact recreation and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

The draft permit includes the following proposed effluent limitations and monitoring requirements. Flows are expressed in million gallons per day (MGD). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (cfu) or most probable number (MPN) per 100 milliliters (cfu or MPN/100 mL). Temperature is expressed in degrees Fahrenheit (˚F).

Outfall	*Pollutant*	*Draft Permit Effluent Limitations*			
		Daily Avg		*Daily Max*	
		lbs/day	*mg/L*	*lbs/day*	*mg/L*
001 Initial	Flow, MGD	1.20		3.0	
	Carbonaceous Biochemical Oxygen Demand, 5-day ($CBOD_5$)	-	45	-	Report
	Ammonia Nitrogen (NH_3-N)	-	3	-	Report
	Total Suspended Solids (TSS)	764	-	1,677	-
	Oil and Grease	173	-	574	-
	Temperature	Report ˚F		Report ˚F	
	Chromium, total	2.69	-	6.73	-
	Lead, total	0.386	-	0.815	-
	Naphthalene	-	-	0.649	-
	Nickel, total	1.94	-	5.77	-
	Tetrachloroethylene	-	-	0.976	-
	Zinc, total	1.85	-	5.45	-
	Dissolved Oxygen (DO), minimum	3.0 mg/L, minimum			
	pH, standard units (SU)	6.0 SU, minimum		9.0 SU	

Outfall	*Pollutant*	*Draft Permit Effluent Limitations*	
		Daily Avg	*Daily Max*
		mg/L	*mg/L*
001 Final	Flow, MGD	Report	Report
	Carbonaceous Biochemical Oxygen Demand, 5-day ($CBOD_5$)	-	45
	NH_3-N	-	3.0
	Temperature	-	Report ˚F
	DO, minimum	3.0, minimum	

Outfall	*Pollutant*	*Draft Permit Effluent Limitations*			
		Daily Avg		*Daily Max*	
		lbs/day	*mg/L*	*lbs/day*	*mg/L*
101 Final	Flow, MGD	1.20		3.0	
	Total Suspended Solids (TSS)	764	-	1,885	-
	Oil and Grease	173	-	617	-
	Chromium, total	2.823	-	7.042	-
	Lead, total	0.386	-	0.815	-
	Naphthalene	-	-	0.649	-
	Nickel, total	1.94	-	5.77	-
	Tetrachloroethylene	-	-	0.976	-
	Zinc, total	2.40	-	7.04	-
	Temperature	Report ˚F		Report ˚F	
	pH, standard units (SU)	6.0 SU, minimum		9.0 SU	

Outfall	*Pollutant*	*Draft Permit Effluent Limitations*			
		Daily Avg		*Daily Max*	
		lbs/day	*mg/L*	*lbs/day*	*mg/L*
201	Flow, MGD	Report		Report	
	TSS	17.52	-	21.97	-
	Oil and Grease	14.62	-	14.71	-
	Chromium, total	0.228	-	0.552	-
	Copper, total	0.483	-	1.011	-
	Cyanide, total	0.119	-	0.256	-
	Iron, total	0.931	-	1.903	-
	Zinc, total	0.617	-	1.583	-
	pH, SU	7.5 SU, minimum		10.0 SU	

Outfalls	*Pollutant*	*Draft Permit Effluent Limitations*	
		Daily Avg	*Daily Max*
		mg/L	*mg/L*
002, 003, & 004	Flow, MGD	Report	Report
	TSS	N/A	100
	Total Organic Carbon (TOC)	N/A	75
	Oil and Grease	N/A	15
	pH, SU	6.0 SU, minimum	9.0 SU

In addition, freshwater chronic biomonitoring requirements and twenty-four-hour 100% acute biomonitoring requirements are included in the draft permit at Outfall 001 (Initial and Final).

B. Procedural Background

The permit application was received on October 14, 2021, and declared administratively complete on December 9, 2021. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on December 23, 2021, in the *News of San Patricio*. The Notice of Application and Preliminary Decision (NAPD) was published on August 11, 2022, in the *News of San Patricio*. A public meeting was held on November 17, 2022, at the San Patricio County Fairgrounds & Event Center, Civic Center Building at 219 West 5th Street, Sinton, Texas.

The comment period was extended to the end of the public meeting on November 17, 2022. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapter 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

C. Access to Rules, Laws and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- the Secretary of State website: http://www.sos.state.tx.us;
- TCEQ rules in Title 30 of the Texas Administrative Code (TAC): www.sos.state.tx.us/tac/ (select "View the current Texas Administrative Code"

on the right, then "Title 30 Environmental Quality");

- Texas statutes: http://www.statutes.legis.state.tx.us/;
- the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select "Rules" then "Current Rules and Regulations," then "Download TCEQ Rules");
- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov; and
- Federal environmental laws: http://www.epa.gov/laws-regulations.

Commission records for this application and draft permit are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk), until final action is taken. The permit application for this facility, Statement of Basis/Technical Summary and Executive Director's Preliminary Decision (Statement of Basis), and proposed draft permit are available for viewing and copying at the Sinton Public Library, located at 100 North Pirate Boulevard, Sinton, Texas, and electronically on the Website at http://www.sdisinton.com.

II. Comments and Responses

Comment 1:

Heather & Jay Cohea, Janet Cumbie, Marlene Davis, Richard O. Gingrich, Jr., Dennis Hagy, Becky Hartmann, Donna Rossen, Gary William Schubert, and Miriam Schubert expressed concern for the environment, quality of life, drinking water, and cattle industries regarding the proposed amendment to the SDI permit in Sinton, Texas and their permitted wastewater discharges.

Response 1:

In accordance with 30 TAC Section 307.5 and TCEQ's *Procedures for the Implementation of the Texas Surface Water Quality Standards* (IPs; June 2010), an antidegradation review of the receiving waters was performed by the Standards Implementation reviewer. The reviewer performed a Tier 1 antidegradation review and preliminarily determined that existing water quality uses will not be impaired by this permit action and that numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review was also performed and preliminarily determined that no significant degradation of water quality is expected in Chiltipin Creek Tidal, which has been identified as having high aquatic life use, and that existing uses will be

maintained and protected, including recreational and commercial fishing. This preliminary determination can be reexamined and may be modified if new relevant information is received.

The Texas Surface Water Quality Standards (TSWQS) provide that surface waters cannot be toxic to aquatic or terrestrial organisms.[1] While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health of cattle or wildlife.

The Executive Director has determined that the draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial wildlife, livestock, domestic animals, and aquatic life.

If the draft permit is issued it will not authorize a discharge that is not in accordance with the applicable federal and state laws or regulations. The draft permit was prepared by the Executive Director and reviewed and approved by the EPA on September 12, 2022. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. In addition, this preliminary determination can be reexamined and may be modified if new information is received that shows a negative impact to the environment.

Comment 2:

Bryan French, Attorney for The Aransas Project, Jack V. Matson PhD, Professional Engineer, and Mike Culbertson, CEO of the Regional EDC expressed support for the facility.

Response 2:

The Executive Director acknowledges these comments.

Comment 3:

Janet Cumbie, Marlene Davis, Richard O. Gingrich, Jr., Dennis Hagy, Becky Hartmann, Donna Rossen, Gary William Schubert, and Miriam Schubert expressed concern for the toxicity of the surface water to the cattle drinking the water on their properties.

[1] 30 Texas Administrative Code §307.4.

Response 3:

The Tier 1 and 2 analyses previously explained provide for the protection of the environment. In addition, Whole Effluent Toxicity (WET) testing is required for Outfall 001 (Initial and Final) which is an ongoing method to test for toxicity. While the test species are the water flea and fathead minnow, these tests species reflect safe levels for all ecosystems.

Regarding test species, this is from the 1991 Technical Support Document (EPA/505/2-90-001), page 17:

"EPA considers it unnecessary to test resident test species since standard test species have been shown to represent the sensitive range of all ecosystems analyzed."

EPA determines what test species are to be used in each region. The species required by the draft permit are the ones approved and listed by the EPA for Region 6.

Comment 4:

Heather & Jay Cohea, Richard O. Gingrich, Jr., Donna Rossen, and Texas House of Representatives for District 43, Mr. Jose Manuel Lozano, Jr., requested a public meeting.

Response 4:

A public meeting was held on November 17, 2022.

Comment 5:

Heather and Jay Cohea asked for an explanation of what exactly this permit is asking for.

Response 5:

In the Fact Sheet, under the section IX. Summary of Changes from Existing Permit is the easiest place to review the differences between this request and the existing permit.

Steel Dynamics requested the following amendments that the executive director recommends granting:

A. Remove the domestic sewage treatment facility formerly identified as internal Outfall 101 (domestic sewage is routed to the City of Sinton main WWTF). Other Requirement Nos. 10, 12, and 13 from the existing permit were not carried forward in the draft permit.

B. Reduce daily average flow at Outfall 001 from 1.56 MGD to 1.2 MGD.

C. Incorporate a constructed wetland into the final effluent discharge pathway. The constructed wetlands is an environmental enhancement demonstration project, and TCEQ has approved the design and site-specific soil liner submitted in the application for purposes of Other Requirement No. 7 (Pond Requirements).

D. Move Outfall 001 to the end of the constructed wetlands and add new internal Outfall 101.

E. Add a second paint and galvanizing line to the plant.

The following additional changes have been made to the draft permit:

A. Standard permit provisions, Pages 3-13 were updated (May 2021 version).

B. The daily average limit for TSS and oil and grease for Outfall 001 from the existing permit were reduced from the existing permit; see Appendix A and Appendix C.

C. The Other Requirement Nos. 5 and 16 from the existing permit were not carried forward as the conditions had already been met.

D. Other Requirement No. 7 from the existing permit was carried forward to the draft permit to address cooling water intake structure requirements under CWA §316(b) and renumbered No. 6. Although CWA §316(b) does not currently apply to this facility, the applicant would be required to notify the TCEQ if there is a change in how the facility obtains cooling water.

E. The existing permit Other Requirements Nos. 1-4, 6-9, 11 and 14-15 were carried forward and renumbered Other Requirements Nos. 1-11.

Comment 6:

Heather and Jay Cohea asked if there is adequate storage for these holding ponds; how often the holding ponds are monitored; if the wastewater will be treated before or after it goes into the holding ponds; and if the water will be tested both before it goes into the ponds and after it goes into the ponds.

Response 6:

According to the application, stormwater from drainage area 1, which will include 319 acres of the facility site southeast of the Administrative Building, the western half of the Cold Mill, the southern half of the Hot Mill, roads, rail spurs, offices, the process gas distribution yard, and an undeveloped area, will be routed to Detention Pond 1 (13.4-acre surface area and 323 MG capacity). Stormwater from drainage area 2, which will include 207 acres of the facility site southwest of the Metal Scrap Storage Area, the eastern half of the Cold Mill, the northern half of the Hot Mill, the process gas distribution yard, the electrical substation, roads, rail spurs, offices,

and undeveloped area, will be routed to Detention Pond 2 (12-acre surface area and 225 MG capacity). Stormwater from drainage area 3, which will include 319 acres of the facility site south of the Slag Processing Area and east of the Metal Scrap Storage Area, the north half of the Railroad Marshalling Yard, the Metal Scrap Storage Area, the Slag Processing Area, roads, rail spurs, and an undeveloped area, will be routed to Detention Pond 3 (15-acre surface area and 460 MG capacity). The stormwater detention ponds will be designed using a 25-year storm event, to infrequently discharge.

The draft permit authorizes the discharge of industrial stormwater on an intermittent and flow variable basis via Outfalls 002 (Detention Pond 1), 003 (Detention Pond 2), and 004 (Detention Pond 3). The draft permit requires monitoring and reporting of the daily average and daily maximum flow volumes. The proposed industrial stormwater discharges are authorized under WQ0005283000. The discharge of industrial stormwater via Outfalls 002, 003, and 004 is not subject to federal effluent limitation guidelines. The technology-based effluent limitations for total organic carbon, total suspended solids, oil and grease, and pH are based on best professional judgement and the Multisector General Permit (MSGP) (TPDES General Permit No. TXR050000) Part V, Sector F. Therefore, the discharge of stormwater is not expected to impair existing and designated uses of the receiving waters.

In addition, allowable non-stormwaters, which are *de minimis* in nature, are included with utility wastewaters via Outfall 001 and with industrial stormwater via Outfalls 002, 003, and 004. The allowable non-stormwater discharges are based on the MSGP and include the following:

(a) discharges from emergency fire-fighting activities (includes fire prevention actions taken to control other dangerous high heat conditions such as smoldering and emergency cooling of equipment) and uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(b) potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(c) lawn watering and similar irrigation drainage, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

(d) water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;

(e) water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);

(f) uncontaminated air conditioner condensate, compressor condensate, and steam condensate, and condensate from the outside storage of refrigerated gases or liquids;

(g) water from foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials, solvents, or other pollutants);

(h) uncontaminated water used for dust suppression;

(i) springs and other uncontaminated groundwater; and

(j) incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility but excluding intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

Furthermore, the draft permit includes Other Requirement No. 11 to address Stormwater Best Management Practices, and Other Requirement No. 14, which prohibits discharge from the Slag Quench Retention Pond, including the discharge of process wastewater from the Pond.

The stormwater-only outfalls (Outfalls 002, 003, and 004) are monitored once per month when discharging. According to the application, stormwater will not be treated before it enters the pond. The requirement to test for total suspended solids, total organic carbon, oil and grease, and pH is at the outfalls.

Comment 7:

Heather & Jay Cohea, Richard O. Gingrich, Jr., Dennis Hagy, Becky Hartmann, Donna Rossen, Gary William Schubert, and Miriam Schubert expressed concern for Chiltipin Creek during flooding and how flooding events affect the receiving waters.

Response 7:

The TCEQ does not have jurisdiction to address flooding issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

Nonetheless, while the TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit, to the extent that the concern over

flooding also involves water quality, SDI will always be required to comply with all the numeric and narrative effluent limitations and other conditions in the draft permit, including during flooding conditions. Likewise, the proposed permit includes effluent limits and other requirements that SDI will be required to meet even during rainfall events and periods of flooding. According to the application, the proposed facility will be located above the 100-year flood plain.

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at (512) 239-4691.

Comment 8:

Heather and Jay Cohea and Richard Gingrich asked what the contamination zone is.

Response 8:

Neither the application nor TCEQ rules or procedures reference any contamination zone.

Comment 9:

Richard Gingrich expressed concern for the impact to air quality and cumulative effects.

Response 9:

Air emissions from facilities such as this one do not have to obtain an air quality permit; rather, they are permitted by rule (30 TAC § 106.532).

For information related to air quality applications and its cumulative effects please contact the TCEQ Air Permits Division Office at (512) 239-1250.

Comment 10:

Heather and Jay Cohea and Donna Rosson stated that a third party should be hired to assess the ground water and conduct an environmental assessment prior to this permit moving forward.

Response 10:

An environmental impact statement and compliance with the National Environmental Policy Act are not required as part of the TPDES wastewater permitting process. The State of Texas assumed authority, through a Memorandum of Agreement

(MOA), to establish policies, responsibilities, and procedures pursuant to Title 40 CFR Parts 123, 403, 501, and 503 for program commitments between the TCEQ and EPA Region 6 for administration of the NPDES program by the TCEQ (NPDES) program under Section 402 of the Clean Water Act in 1998. The NPDES is a federal regulatory program to control discharges of pollutants to surface waters of the United States. The TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. The TCEQ has a statutory responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under TWC Chapter 26.

In addition, the Water Quality Assessment (WQA) review includes an analysis of the existing uses of the receiving waters under the Texas Surface Water Quality Standards (TSWQS) found at 30 TAC § 307.51, which aids in establishing the appropriate discharge limitations, which in turn plays a vital part in determining the quality of the waster discharged into the receiving water. In accordance with 30 TAC § 307.5 and the TCEQ implementation procedures (June 2010) for the TSWQS, the WQA Section performs an antidegradation review of the receiving waters, determines the critical conditions for the receiving waters, and develops limitations, if needed, to ensure the dissolved oxygen criteria will be met.

TWC § 26.001(5) defines "water" or "water in the state" to mean groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

The TCEQ's Water Quality Division has determined that the effluent limits in the draft permit are consistent with the TSWQS and are therefore protective of surface water quality, human health, and the environment. This level of surface water protection will also ensure protection of groundwater quality and its known uses.

Comment 11:

Heather and Jay Cohea asked why the water source for drinking water is not tested.

Response 11:

TCEQ's rules for TPDES permits does not require testing the source water being used.

Comment 12:

Heather & Jay Cohea, Janet Cumbie, Marlene Davis, Richard O. Gingrich, Jr., Dennis Hagy, Becky Hartmann, Donna Rossen, Gary William Schubert, and Miriam Schubert expressed concern for the impact to groundwater and drinking water wells from the discharge of wastewater from the proposed Sinton Steel Mill.

Response 12:

30 TAC § 309.13(c) establishes setback distances from a wastewater treatment plant unit and a public or private water well and states "A wastewater treatment plant unit may not be located closer than 500 feet from a public water well as provided by § 290.41(c)(1)(B) of this title (relating to Water Sources) nor 250 feet from a private water well." 30 TAC § 290.41(c)(1)(C) requires a minimum horizontal distance of 500 feet from a public water well site, spring, or other similar sources of public drinking water to wastewater holding ponds and 30 TAC § 290.41(c)(1) requires a minimum horizontal distance of 150 feet from a private water well to wastewater holding ponds.

TCEQ's rules do not require a separation distance between a creek receiving treated wastewater that complies with TSWQS and water well, private or domestic. The Executive Director's review of an application for a TPDES permit focuses on controlling the discharge of pollutants into water in the state, which includes groundwater and both navigable and non-navigable water bodies.

The TCEQ's Water Quality Division has determined that the effluent limits in the draft permit are consistent with the TSWQS and are therefore protective of surface water quality, human health, and the environment. This level of surface water protection also helps ensure protection of groundwater quality and its known uses.

Comment 13:

Gary Schubert stated the antidegradation review performed by TCEQ is insufficient. He also expressed concern about whether the Tier 1 and Tier 2 reviews comply with the statute, given the outstanding quality of the receiving waters and the importance of this natural resource, specifically for cattle drinking the water. Richard Gingrich stated the review should have been conducted at a Tier 3 level.

Response 13:

Consistent with 30 TAC § 307.5 and the IPs, an antidegradation review was performed for this permit application. This review involves multiple steps and multiple technical reviews from multiple technical staff. The first step in this process is to determine the appropriate water quality uses and criteria for the receiving waters in the assessed reach, as explained in the response to Comment 1. In this case, the receiving waters in the assessed reach are unnamed ditches, Chiltipin Creek, and Chiltipin Creek Tidal. The unnamed ditches were determined to be intermittent with minimal aquatic life use. Chiltipin Creek was determined to be intermittent with perennial pools with limited aquatic life use. Consistent with 30 TAC 307.5(c)(2)(A), this waterbody is subject to a Tier 1 antidegradation review. Chiltipin Creek Tidal was determined to be perennial with high aquatic life use. Consistent with 30 TAC 307.5(c)(2)(A) and 30 TAC 307.5(c)(2)(B), Chiltipin Creek (tidal) is subject to a Tier 1 and Tier 2 antidegradation review.

The second step in the antidegradation review process is to assign critical conditions. Because Chiltipin Creek is initially freshwater, the critical conditions and flow statistics were developed accordingly. The critical low flow, or 7Q2, is the regularly recurring instream flow condition under which minimal dilution will be available. This regulatory metric serves as a threshold for protecting aquatic life from the potentially harmful effects of wastewater discharges during low-flow conditions when aquatic organisms are most vulnerable to the effects of toxics inputs. The 7Q2 assigned to Chiltipin Creek is 0 cubic feet per second (cfs). This results in no instream dilution granted to the discharge from Outfall 001 for assessing aquatic life criteria. In other words, the acute and chronic toxicity for aquatic life criteria are assessed at the end of pipe with 100% effluent; i.e., the TCEQ sets requirements in the permit assuming that the only flow in the creek is the effluent from the discharge

Additionally, it is the TCEQ's standard procedure to assign critical conditions for water bodies within three miles downstream of a discharge. Since the tidal portion of Chiltipin Creek is beyond three miles of Outfall 001, additional critical conditions for screening saltwater criteria were not assigned.

The next step in the antidegradation review process is to evaluate the impacts on water quality in the receiving waters to ensure that permitted effluent limits will

maintain instream criteria for dissolved oxygen, nutrients, turbidity, dissolved solids, temperature, and toxic pollutants. A dissolved-oxygen modeling analysis was conducted to evaluate the potential impact of the proposed discharge on dissolved-oxygen levels in the above-tidal and tidal portions of Chiltipin Creek to ensure that instream dissolved-oxygen concentrations will consistently be maintained at levels that will be protective of aquatic life. This analysis was performed using a calibrated QUAL-TX model that was previously developed for the analysis of upstream discharger City of Sinton (TPDES Permit No. WQ0010055001). Based on model results, the effluent limits included in the draft permit for 5-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), ammonia-nitrogen, and minimum effluent DO are predicted to be adequate to ensure that dissolved-oxygen levels will be maintained above the criteria established by the Standards Implementation Team for the ditch designated by the applicant as 'Ditch 4' (2.0 mg/L), Chiltipin Creek above tidal (3.0 mg/L), Chiltipin Creek tidal (4.0 mg/L), and the Aransas River Tidal (4.0 mg/L). This dissolved-oxygen modeling analysis was performed consistent with established TCEQ modeling protocols.

Because the first downstream segment in the discharge route is tidal, criteria for total dissolved solids, chloride, and sulfate from a nearby freshwater segment (Segment 2004 Aransas River Above Tidal) were used for dissolved-solids screening calculations. Screening calculations using the expected dissolved solids in effluent provided by the applicant indicate dissolved-solids limits were not needed. The applicant is required to provide effluent information within 180 days of commencement of discharge at which time another screening of dissolved solids will be performed by TCEQ permit writer as outlined in Appendix C of the Statement of Basis.

To address turbidity, the draft permit contains daily average total suspended solids (TSS) effluent limitations at Outfalls 001 and 101 of 764 lbs/day and at Outfall 201, of 17.52 lbs/day. Also, the draft permit contains daily maximum TSS effluent limitations at Outfalls 002, 003, and 004 of 100 mg/L. There is no thermal component expected in the discharge, and the segment criterion of 95 degrees Fahrenheit is expected to be met at Outfall 001. In addition, Chiltipin Creek (non-tidal and tidal) does not exhibit the instream conditions which typically demonstrate a propensity for excessive algal growth (shallow clear water, bedrock or gravel substrate, minimal tree

canopy) with the addition of nutrients. Therefore, it was determined that nutrient limits would not be needed for this proposed discharge.

To address toxic pollutants, the permit writer performed water quality screenings as found in Appendix B of the Statement of Basis, using the critical condition information, local water quality information from a nearby freshwater classified segment, Aransas River Above Tidal (Segment No. 2004), and expected pollutant loading from a similar facility's discharge. These screenings (called TexTox screenings) determine compliance with TSWQS, and permit limits are placed in the permit when screening calculations indicate a reasonable potential that the discharge may not meet the TSWQS. Water quality-based effluent limitations for total copper are assessed using TexTox and are determined using the critical low-flow statistics, or 7Q2, for assessing aquatic life criteria. For Chiltipin Creek, the 7Q2 is 0 cfs, which results in the effluent being screened for aquatic life criteria with no benefit of instream dilution. In other words, the wastewater effluent is screened at the "end of pipe," and Outfall 001 is not allowed a mixing zone. Again, the water quality-based calculations (TexTox screenings) are provided in Appendix B of the Statement of Basis.

Comment 14:

Richard Gingrich expressed concerns for permit enforcement. He commented that without constant scrutiny existing laws will not be abided by SDI.

Response 14:

The draft permit was developed to protect aquatic life and human health in accordance with the TSWQS and was established to be protective of human health and the environment, provided that the Applicant operates and maintains the facility in accordance with TCEQ rules and the requirements of the draft permit. If an unauthorized discharge occurred, SDI would be required to report it to the TCEQ within 24 hours. SDI is subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

The facility is subject to routine compliance investigations as well as other types of investigations depending on the circumstances. The TCEQ, through its Office of Compliance and Enforcement, helps ensure compliance with state and federal regulations and the terms and conditions of the permit by way of routine compliance investigations and complaint investigations, and review of self-reported monitoring

data. The Regions Office (the TCEQ Corpus Christi Region 14 Office) also conducts routine on-site investigations. The Central Office, through the Monitoring Division, reviews the self-reported data for compliance with the permitted effluent limits and other permit conditions.

Individuals are encouraged to report any concerns or suspected noncompliance with the terms of any permit or other environmental regulation by contacting the Corpus Christi Regional Office at (361) 825-3100, or by calling the 24- hour toll-free Environmental Complaints Hotline at 1-888-777-3186. In addition, complaints may be filed online: https://www.tceq.texas.gov/compliance/complaints/. Moreover, citizens may gather data to show that a permittee is not in compliance with TCEQ's rules. For more information on citizen collected evidence, please go to the TCEQ web site at https://www.tceq.texas.gov/compliance/complaints/protocols/evi_proto.html.The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of its permit, it may be subject to investigation and possible enforcement action.

Comment 15:

Janet Compfy stated that there should be toxicity testing of the waste stream going into Chiltipin Creek.

Response 15:

Toxicity testing (biomonitoring) requirements are included in the draft permit at Outfall 001 (for the Initial and Final phases) according to the interoffice memorandum from the Standards Implementation Team dated February 22, 2022. Whole effluent toxicity testing (biomonitoring) is the most direct measure of potential toxicity, which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of the permit to assess potential toxicity. The freshwater chronic biomonitoring procedures stipulated as a condition of this permit are as follows:

i) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing shall be once per quarter.

ii) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of testing shall be once per quarter.

The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100% effluent. This dilution series was calculated using a 0.75 factor applied to the critical dilution. Toxicity tests shall be performed in accordance with protocols described in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,* Fourth Edition (EPA-821-R-02-013) or the latest revision. The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the state water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge.

Comment 16:

Gary Schubert stated that hazardous and toxic waste should be more thoroughly considered because many of the identified chemical compounds are known to be toxic to humans, fish, aquatic invertebrates, algae, and vegetation, and cattle. Mr. Schubert also stated that TCEQ should require a study to determine the effects of a toxic discharge that includes modeling to demonstrate that metals and toxins migrate downstream of the receiving waters, and a contingency plan disclosed to the public and affected property owners.

Response 16:

The draft permit, if issued, will authorize the discharge of treated process wastewater, utility wastewater, and previously monitored effluent (coil coating process wastewater via internal Outfall 201) at a daily average flow not to exceed 1.2 MGD via Outfall 001 and industrial stormwater on an intermittent and flow-variable basis via Outfalls 002, 003, and 004. The draft permit was developed to be protective of aquatic life and human health in accordance with the TSWQS, provided that SDI operates and maintains the facility in accordance with TCEQ rules and the requirements of the draft permit.

If contamination from industrial activities regulated under the jurisdiction of the TCEQ is determined to be present on-site, SDI is required to notify the TCEQ's Remediation Division for potential enrollment in the Industrial and Hazardous Waste

(IHW) Corrective Action Program. The IHW Corrective Action Program administers the cleanup of sites contaminated from industrial and municipal hazardous and industrial nonhazardous wastes which are regulated under the jurisdiction of the TCEQ. Based on information in TCEQ's Central Registry, the site is not currently enrolled in the IHW Corrective Action Program.

Additionally, number 6 of the Permit Conditions section, on Page 10 of the draft permit, stipulates that the draft permit does not authorize any hazardous waste storage, processing, or disposal activities that require a permit or other authorization pursuant to the Texas Health and Safety Code. Operational Requirement 1, on Page 11 of the draft permit, stipulates the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Furthermore, Operational Requirement 11, on Page 12 of the draft permit, addresses facilities that generate industrial solid waste as defined in 30 TAC § 335.1 and specifies applicable provisions.

Comment 17:

Richard O. Gingrich, Jr. expressed concern about the noise from SDI.

Response 17:

Although the legislature has given the TCEQ the responsibility to protect water quality, the TCEQ does not have jurisdiction to address noise issues when considering whether to issue a wastewater discharge permit. The water quality permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The ED cannot consider noise when reviewing wastewater applications and preparing draft wastewater discharge permits.

The permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations. It is the Applicant's responsibility to acquire the necessary property rights to use the site of the planned facility and the discharge route, including any permits required by other state or federal agencies with applicable authority.

Also, the draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may, or actually do, result in injury or adverse effects on human health

or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

Comment 18:

Donna Rossen expressed concern that there is no requirement for accumulated effect.

Response 18:

Wastewater permit applications are evaluated under the current conditions within the receiving water. The proximity of existing permitted discharges to the proposed outfall and its impact zones are considered in the review of the application. Consistent with the TSWQS (March 2014), the locations of existing outfalls and other outfall mixing zones are taken into consideration when evaluating the regulatory mixing zones assigned to a proposed discharge in order to avoid cumulative effects within the receiving water. Based on the review of this application conducted by the Water Quality Assessment Section, there are no existing outfalls or other outfall mixing zones located within the boundaries of the regulatory mixing zones assigned to the proposed discharge. Therefore, no negative cumulative effects are anticipated as a result of the proposed discharge.

Comment 19:

Janet Cumbie and Gary William Schubert expressed concern about the definition of pre-existing uses and existing use.

Response 19:

Per 30 TAC § 307.3(a)(27), Existing use – A use that is currently being supported by a specific water body or that was attained on or after November 28, 1975. Pre-existing use is not defined by the same reference.

Comment 20:

Mollie Mauch requested maps of each outfall and wetlands.

Response 20:

The permit application file contains the requested maps. The permit application file is available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk), until final action is taken. The permit application for this facility, Fact Sheet, and proposed draft permit are also

available for viewing and copying at the Sinton Public Library, located at 100 North Pirate Boulevard, Sinton, Texas (if open), and posted on the Website at http://www.sdisinton.com.

Comment 21:

Heather Cohea expressed concern that the constructed wetland is basically a hole in the ground and all the waste is absorbed and or runs off.

Response 21:

A constructed wetland is designed to protect both groundwater and surface water. The agreed settlement between SDI and The Aransas Project on March 24, 2021, specified a 50-acre polishing wetland would be constructed to reduce heavy metals from the discharge, to be designed by a wetlands expert, in this case Jack Matson of Penn State.

Further, TCEQ reviewed the design and issued a letter on August 24, 2021, granting a liner certification for the constructed wetlands. The liner certification is used to provide the needed protection to the ground water by having enough soil with low permeability between the effluent and the ground water. The vegetation placed in the constructed wetlands is chosen for its ability to reduce these metals in the effluent. At the end of the life of these constructed wetlands, a remediation of the wetlands will be required with proper testing and disposal of any soils and plants with excessive metal content.

Comment 22:

Heather and Jay Cohea asked what happens when a 10" rain comes, will these ponds suffice, and can you certify there will be no overflow.

Response 22:

The stormwater detention ponds will be designed using a 25-year storm event, to infrequently discharge. The 25-year rain event in this area is about 7.5 inches.

III. Changes Made to the Draft Permit in Response to Comments

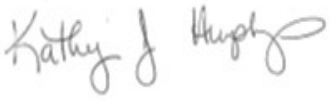
No changes were made to the draft permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental Quality

Erin E. Chancellor
Interim Executive Director

Guy Henry, Acting Deputy Director
Environmental Law Division

By: 

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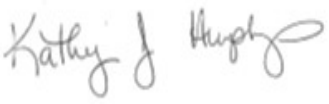
REPRESENTING THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on January 31, 2023, the "Executive Director's Response to Public Comment" for Permit No. WQ0005283000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Kathy Humphreys, Staff Attorney
Environmental Law Division