

Law Office of Bryan French, PLLC

P.O. Box 4191 Pirates Beach

Galveston, Texas 77554

(409) 599-3234

bfrenchelcs@earthlink.net

February 22, 2020

Ms. Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Mail Code 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Missing Attachments Related to Constituent Pollutants to Be Discharged From TPDES Permit Application No. WQ0005283000 for Steel Dynamics Southwest, LLC.

Dear Ms. Bohac:

The Law Office of Bryan French, PLLC respectfully submits the following comments on behalf of The Aransas Project and its constituent members regarding Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005283000 (the Permit) for the proposed Steel Dynamics Southwest, LLC Steel processing plant located at 8534 State Highway 89 Sinton, in San Patricio County, Texas 78287. The Aransas Project (TAP) trusts that the Texas Commission on Environmental Quality will consider and respond to these comments and compel the Permit Applicant to produce the relevant and missing information or in the alternative and in the absence of the required documentation, declare the Permit Administratively Incomplete.

On behalf of TAP who may be reached at 4709 Austin Street, Houston, Texas 77004, and its constituent members including Aransas County, Texas, The Law Office of Bryan French requests that TCEQ order the immediate release of Permit Attachment No. 9 or declare the Permit Application Administratively Incomplete for the following reasons:

1. TAP and its constituent members have a justiciable interest in the preservation of water quality in Mission and Copano bays. Specifically, TAP's concerns relate to the great potential for this heavy industry to degrade water quality

and contaminate crabs in the receiving waters of Chiltipin Creek, and hence into the waters of Mission and Copano Bays downstream.

2. A Public Information Request, PIR 20-51302-PIR was made to TCEQ requesting the permit application for Permit No. WQ0005283000 on December, 13 2019. Upon receipt and review, Attachment 9 was found to be missing although the Permit Application references the missing Attachment twice. First on page 10 of the Application addressing Blowdown and Once thru Cooling Tower discharges that states: “Attach a summary of this information in addition to the submittal of the SDS for each specific waste stream and the associated chemical additives and specify which outfalls are affected.” Second, the list of Attachments to the technical report’s page one of one references Section 5d, Attachment 9 SDS Information. In both instances Attachment 9, despite repeated references within the Permit Application itself, has to yet to be provided.

3. Missing Attachment 9 identified the specific pollutants to be discharged in the wastewater. Without this information identification of the constituent pollutants is reduced to guesswork, which is unacceptable particularly in lieu of the enormous volume of wastewater Steel Dynamics proposes to discharge into a pristine and environmentally sensitive area. Here, the enormous volume of treated wastewater is not to exceed a volume of 1,560,000 gallons per day. This information remains absolutely necessary to effect any meaningful evaluation of the Permit Application.

4. TCEQ was notified of the missing Attachment 9, on January 30, 2020 in an email and later in a direct telephone conversation with TCEQ staff on February 7 2020. A second PIR request No: PIR 20-52206 was made requesting Attachment 9 on February 12, 2020. A follow up message was left with TCEQ on Feb. 10, 2020. To date, TCEQ has failed to respond.

For the aforementioned reasons TAP objects to the incomplete nature of Steel Dynamics LLC’s Permit Application and requests that Attachment 9 identifying the constituent nature of the

proposed wastewater be made available to the public within 30 days, and upon failure to submit the requested information, the Permit Application be declared Administratively Incomplete for want of necessary information. Thank you and the TCEQ staff for the attention you accord TAP's concerns. Please contact the undersigned counsel if you have any questions or need clarification regarding the comments contained herein.

Sincerely,

/s/ Bryan French
Texas State Bar No. 24091372
The Law Office of Bryan French, PLLC
bfrenchelcs@earthlink.net
(409) 599-3234

ATTORNEY FOR THE ARANSAS PROJECT