

From: [David Ramirez](#)
To: [Brian Vinson](#)
Cc: [Richard Herdt](#); [Anita Keese](#); [Ramiro Garcia](#); [OCE](#)
Subject: RE: Atlas Sand, Request for Extension
Date: Tuesday, May 12, 2020 5:13:17 PM

Good afternoon Mr. Vinson,

The TCEQ has received your request for enforcement discretion for a delay of stack testing for Atlas Sand under PBR No. 158008 and 158007. Currently, we are unable to grant enforcement discretion. In order to properly assess your request, we require more detailed information. The email should, at a minimum, include the following:

- The specific rule citation or requirement for which you are requesting enforcement discretion for each authorization.
- The specific regulated entity number (RN) for which enforcement discretion is requested.

Please resubmit this request with the requested information. Please know that any enforcement discretion granted is limited to the Texas Commission on Environmental Quality and does not limit EPA's ability to enforce federal regulations.

The TCEQ remains committed to working with our regulated community on a case by case basis. Regulated entities must maintain records adequate to document activities related to the noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply.

Regards,
David A. Ramirez, Area Director
Border and Permian Basin Area
Texas Commission on Environmental Quality

From: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Sent: Monday, May 11, 2020 10:03 AM
To: Brian Vinson <[REDACTED]> OCE <OCE@tceq.texas.gov>
Cc: Richard Herdt <[REDACTED]> Tracy Miller <tracy.miller@tceq.texas.gov>; Susan Johnson <susan.johnson@tceq.texas.gov>; Jayme Sadlier <jayme.sadlier@tceq.texas.gov>; David Ramirez <david.ramirez@tceq.texas.gov>; Anita Keese <anita.keese@tceq.texas.gov>; Monica Aplin <Monica.Aplin@tceq.texas.gov>; Jacqueline Cullather <Jacqueline.Cullather@tceq.texas.gov>
Subject: RE: Atlas Sand, Request for Extension

Good morning Mr. Vinson,

This email confirms receipt of your correspondence. We are reviewing your request and expect to have a response soon.

Best regards.

Ramiro Garcia, Jr.
Deputy
Office of Compliance & Enforcement
TCEQ

From: Brian Vinson <[REDACTED]>
Sent: Monday, May 11, 2020 9:26 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Richard Herdt <[REDACTED]>
Subject: Atlas Sand, Request for Extension

To whom it may concern;

I am reaching out today to request a formal extension of one year to the stack testing requirements for Atlas Sand under PBR #158008 approved on 10/2/19 and PBR#158007 approved on 9/24/19. We are making this request due to the effects that COVID-19 have had on the oil and gas industry and our belief that the suppression of activity in the Permian basin will keep our production plants output at a fraction of the permitted limits. At these reduced volumes, it is likely we would have difficulty meeting the minimum run hours for the tests. During the extension period, we would commit to staying within the limits defined under our NSR permits No. 149761 issued on 6/29/18 and 150399 issued on 6/29/18 for which we have already performed stack testing and shown compliance. Should any changes occur in our industry that would allow for our increased production, we would notify the TCEQ in writing of our intent to resume the production rates allowed under the PBRs listed above along with our stack testing schedule.

Regards,
Brian Vinson
General Manager of Operations
Atlas Sand
328-805-0070