

**From:** [Michelle Harris](#)  
**To:** [REDACTED]  
**Cc:** [Ramiro Garcia](#); [Susan Jablonski](#); [George Ortiz](#); [Joel Anderson](#); [OCE](#); [REDACTED]  
**Subject:** RE: Enforcement Discretion Response - CEMEX Balcones Cement Plant Extension  
**Date:** Thursday, July 2, 2020 2:59:03 PM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Audrey Fulton  
Environmental Manager  
CEMEX  
2580 Wald Road  
New Braunfels, Texas 78132-4983

RE: Request for Extension of the Compliance Stack Test for Kiln 2 & Clinker Cooler 2 PM/CPMS and Compliance Stack Test for Kiln 1 & Clinker Cooler 1 PM/CPMS, CEMEX Balcones Cement Plant, Comal County, RN:102605375.

Dear Ms. Fulton,

This is in response to your requested dated June 30, 2020, requesting a 60-day extension.

The TCEQ is exercising enforcement discretion on a case-by-case base for regulated entities that are experiencing impacts due to the COVID-19 pandemic. The issues you outline in your request are issues we would consider granting enforcement discretion. Due to the limited availability of staff and protection of staff, your request is approved. This correspondence will serve as authorization for that request. A 60-day extension is granted for enforcement discretion until September 1, 2020. Should an extension beyond September 1, 2020 be needed, please re-submit your request accordingly.

This discretion is limited to the Texas Commission on Environmental Quality and does not limit the U.S. Environmental Protection Agency's ability to enforce federal regulations.

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.

If you or members CEMEX staff have any questions, please feel free to contact Mr. George Ortiz at (210) 403-4030.

Sincerely,

Susan Jablonski, P.E.

Area Director for Central Texas  
Texas Commission on Environmental Quality  
(512) 239-6731

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**From:** Audrey R Fulton <[REDACTED]>  
**Sent:** Tuesday, June 30, 2020 1:17 PM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Darlene Marie Bray <[REDACTED]> Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion Response - CEMEX Balcones Cement Plant Extension

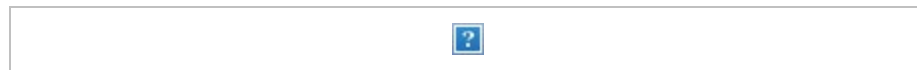
CEMEX Construction Materials South, LLC approaches the agency with a request for enforcement discretion of TCEQ / Chapter 30 / Sub Chapter L / §§30.500 - 30.508. With the rapidly evolving global Coronavirus pandemic, we are concerned for the health and wellbeing of our employees, contractors, and other participants.

CEMEX requests an additional 60-day extension on the following activities for the CEMEX Balcones Cement Plant in New Braunfels, Texas:

- Kiln 2 & Clinker Cooler 2 PM/CPMS Compliance Stack Test
  - 40 CFR Part 63, Subpart LLL, §63.1349
  - Last compliance test: 04/24/2019
  - Next compliance deadline: 08/02/2020 (extension granted 06/03/2020)
- Kiln 1 & Clinker Cooler 1 PM/CPMS Compliance Stack Test
  - 40 CFR Part 63, Subpart LLL, §63.1349
  - Last compliance test: 08/06/2019 and 07/02/2019
  - Next compliance deadline: 09/05/2020 and 08/02/2020 (extension granted 06/03/2020)

If you have any questions or require additional information, please contact me by phone at (941)380-7488 or by email at [REDACTED]

Thanks, Audrey Fulton



Audrey Fulton  
Environmental Manager - Balcones Cement Plant - United States of America  
Office : (210) 250-4009 Fax: (210) 250-4144  
Address: 2580 Wald Rd. New Braunfels, TX 78132-4983  
e-Mail: [REDACTED]  
[www.cemexusa.com](http://www.cemexusa.com)



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**From:** Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>

**Sent:** Wednesday, June 3, 2020 3:09 PM

**To:** Audrey R Fulton <[REDACTED]>

**Cc:** George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Darlene Marie Bray

<[REDACTED]> Michelle Harris <[michelle.harris@tceq.texas.gov](mailto:michelle.harris@tceq.texas.gov)>; Joel Anderson <[joel.anderson@tceq.texas.gov](mailto:joel.anderson@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>

**Subject:** RE: Enforcement Discretion Response - CEMEX Balcones Cement Plant Extension

Ms. Audrey Fulton  
Environmental Manager  
CEMEX - Balcones Cement Plant  
2580 Wald Road  
New Braunfels, Texas 78132-4983

RE: Request for Extension of the Compliance Stack Test for Kiln 2 & Clinker Cooler 2 PM/CPMS and Compliance Stack Test for Kiln 1 & Clinker Cooler 1 PM/CPMS, CEMEX Balcones Cement Plant, Comal County, RN:102605375.

Dear Ms. Fulton:

This is in response to your requested dated June 1, 2020, requesting a 60-day extension to the previously granted grace period. The Texas Commission on Environmental Quality (TCEQ) is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing impacts due to the COVID-19 pandemic.

The issues you outline in your extension request are impacts the TCEQ would consider granting enforcement discretion. Due to the limited availability of staff and for protection of staff, your requested extension is approved. This correspondence will serve as authorization for that request. A 60-day extension is granted for enforcement discretion until August 2, 2020. Should an extension beyond August 2, 2020 be needed, please re-submit your request accordingly.

This discretion is limited to the TCEQ and does not limit the U.S. Environmental Protection Agency's ability to enforce federal regulations. 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.

If you or members of the CEMEX staff have any questions, please feel free to contact Mr. George Ortiz, TCEQ Air Section Manager, San Antonio - Region 13, at (210) 403-4030.

Sincerely,

Susan Jablonski, P.E.  
Area Director for Central Texas

Texas Commission on Environmental Quality  
(512) 239-6731

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**From:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Sent:** Monday, June 1, 2020 1:14 PM  
**To:** Audrey R Fulton <[REDACTED]> OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Darlene Marie Bray <[REDACTED]> Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>; Michelle Harris <[michelle.harris@tceq.texas.gov](mailto:michelle.harris@tceq.texas.gov)>; Joel Anderson <[joel.anderson@tceq.texas.gov](mailto:joel.anderson@tceq.texas.gov)>; Tracy Miller <[tracy.miller@tceq.texas.gov](mailto:tracy.miller@tceq.texas.gov)>; Susan Johnson <[susan.johnson@tceq.texas.gov](mailto:susan.johnson@tceq.texas.gov)>; Jayme Sadlier <[jayme.sadlier@tceq.texas.gov](mailto:jayme.sadlier@tceq.texas.gov)>; Monica Aplin <[Monica.Aplin@tceq.texas.gov](mailto:Monica.Aplin@tceq.texas.gov)>; Jacqueline Cullather <[Jacqueline.Cullather@tceq.texas.gov](mailto:Jacqueline.Cullather@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion Response - CEMEX Balcones Cement Plant

Good afternoon Ms. Fulton,

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

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**From:** Audrey R Fulton <[REDACTED]>  
**Sent:** Monday, June 1, 2020 1:01 PM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Darlene Marie Bray <[REDACTED]>  
**Subject:** RE: Enforcement Discretion Response - CEMEX Balcones Cement Plant

CEMEX Construction Materials South, LLC approaches the agency with a request for enforcement discretion of TCEQ / Chapter 30 / Sub Chapter L / §§30.500 - 30.508. With the rapidly evolving global Coronavirus pandemic, we are concerned for the health and wellbeing of our employees, contractors, and other participants.

CEMEX requests an additional 60-day extension on the following activities for the CEMEX Balcones Cement Plant in New Braunfels, Texas:

- Kiln 2 & Clinker Cooler 2 PM/CPMS Compliance Stack Test
  - 40 CFR Part 63, Subpart LLL, §63.1349
  - Last compliance test: 04/24/2019
  - Next compliance deadline: 07/05/2020 (extension granted 5/5/2020)
- Kiln 1 & Clinker Cooler 1 PM/CPMS Compliance Stack Test

- 40 CFR Part 63, Subpart LLL, §63.1349
- Last compliance test: 08/06/2019 and 07/02/2019
  - Next compliance deadline: 09/05/2020 and 07/01/2020

If you have any questions or require additional information, please contact me by phone at (941)380-7488 or by email at [REDACTED]

Thanks, Audrey Fulton



Audrey Fulton  
Environmental Manager - Balcones Cement Plant - United States of America  
Office : (210) 250-4009 Fax: (210) 250-4144  
Address: 2580 Wald Rd. New Braunfels, TX 78132-4983  
e-Mail: [REDACTED]  
[www.cemexusa.com](http://www.cemexusa.com)



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**From:** Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>  
**Sent:** Tuesday, May 5, 2020 2:36 PM  
**To:** Audrey R Fulton <[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; Darlene Marie Bray <[REDACTED]>; Joel Anderson <[joel.anderson@tceq.texas.gov](mailto:joel.anderson@tceq.texas.gov)>; George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Michelle Harris <[michelle.harris@tceq.texas.gov](mailto:michelle.harris@tceq.texas.gov)>; Rosalind Stockton <[Rosalind.Stockton@tceq.texas.gov](mailto:Rosalind.Stockton@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion Response - CEMEX Balcones Cement Plant

Ms. Audrey Fulton  
Environmental Manager  
CEMEX Balcones Cement Plant  
2580 Wald Road  
New Braunfels, Texas 78132-4983

RE: Request for Extension of the Compliance Stack Tests for Kiln 2 and Clinker Cooler 2 PM/CPMS, and for Kiln 1 and Clinker Cooler 1 PM/CPMS, CEMEX, Comal County, RN:102605375

Dear Ms. Fulton:

This is in response to your request dated May 4, 2020, for enforcement discretion for Compliance Stack Tests to allow for an extension to the due date. The Texas Commission on Environmental Quality (TCEQ) is exercising enforcement discretion on a case-by-case basis for regulated entities

that are experiencing impacts due to the COVID-19 pandemic.

The extension of compliance testing you outlined in your request are issues the TCEQ would consider granting enforcement discretion. Due to the limited availability of staff and protection of staff, your request for discretion is approved.

This correspondence will serve as authorization for an extension for stack tests. A 60-day extension is granted for enforcement discretion until July 5, 2020. Should an extension beyond July 5, 2020 be needed, please re-submit your request accordingly.

This discretion is limited to the TCEQ and does not limit the U.S. Environmental Protection Agency's ability to enforce federal regulations.

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.

If you or members of the CEMEX staff have any questions, please feel free to contact Mr. George Ortiz at (210) 403-4030, TCEQ Air Section Manager, San Antonio, Region 13.

Sincerely,

Susan Jablonski, P.E.  
Area Director for Central Texas  
Texas Commission on Environmental Quality  
(512) 239-6731

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**From:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Sent:** Monday, May 4, 2020 3:57 PM  
**To:** Audrey R Fulton <[REDACTED]> OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Darlene Marie Bray <[REDACTED]> Tracy Miller <[tracy.miller@tceq.texas.gov](mailto:tracy.miller@tceq.texas.gov)>; Susan Johnson <[susan.johnson@tceq.texas.gov](mailto:susan.johnson@tceq.texas.gov)>; Jayme Sadlier <[jayme.sadlier@tceq.texas.gov](mailto:jayme.sadlier@tceq.texas.gov)>; Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>; Michelle Harris <[michelle.harris@tceq.texas.gov](mailto:michelle.harris@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion COVID-19 - CEMEX Balcones Cement Plant

Good afternoon Ms. Fulton,

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:** Audrey R Fulton <[REDACTED]>  
**Sent:** Monday, May 4, 2020 3:08 PM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; Darlene Marie Bray <[REDACTED]>  
**Subject:** RE: Enforcement Discretion COVID-19 - CEMEX Balcones Cement Plant

CEMEX Construction Materials South, LLC approaches the agency with a request for enforcement discretion of TCEQ / Chapter 30 / Sub Chapter L / §§30.500 - 30.508. With the rapidly evolving global Coronavirus pandemic, we are concerned for the health and wellbeing of our employees, contractors, and other participants.

CEMEX requests a 90-day extension on the following activities for the CEMEX Balcones Cement Plant in New Braunfels, Texas:

- Kiln 2 & Clinker Cooler 2 PM/CPMS Compliance Stack Test
  - 40 CFR Part 63, Subpart LLL, §63.1349
  - Last compliance test: 04/24/2019
  - Next compliance deadline: 06/01/2020 (extension granted 3/23/2020)
- Kiln 1 & Clinker Cooler 1 PM/CPMS Compliance Stack Test
  - 40 CFR Part 63, Subpart LLL, §63.1349
  - Last compliance test: 08/06/2019 and 07/02/2019
  - Next compliance deadline: 09/05/2020 and 07/01/2020

If you have any questions or require additional information, please contact me by phone at (941)380-7488 or by email at [REDACTED]

Thanks, Audrey Fulton



Audrey Fulton  
Environmental Manager - Balcones Cement Plant - United States of America  
Office : (210) 250-4009 Fax: (210) 250-4144  
Address: 2580 Wald Rd. New Braunfels, TX 78132-4983  
e-Mail: [REDACTED]  
[www.cemexusa.com](http://www.cemexusa.com)



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**From:** Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>  
**Sent:** Monday, March 23, 2020 12:58 PM

**To:** Audrey R Fulton <[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>; Michelle Harris <[michelle.harris@tceq.texas.gov](mailto:michelle.harris@tceq.texas.gov)>; Rosalind Stockton <[Rosalind.Stockton@tceq.texas.gov](mailto:Rosalind.Stockton@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion COVID-19 - CEMEX Balcones Cement Plant

Audrey Fulton  
Environmental Manager  
CEMEX  
2580 Wald Road  
New Braunfels, Texas 78132-4983

Re: Request for Extension of the Compliance Test and Report Due Date for: Kiln 2 & Clinker Cooler 2 PM/CPMS Compliance Stack Test, Kiln 1 & Clinker Cooler 1 PM/CPMS Compliance Stack Test, Kiln 1 Dioxin Furan Compliance Test, Method 9 Field Recertification, CEMEX, Comal County, RN:102605375

Dear Ms. Fulton:

This is in response to your request dated March 20, 2020 requesting an extension for the compliance testing and report due date of Kiln 2 & Clinker Cooler 2 PM/CPMS Compliance Stack Test, Kiln 1 & Clinker Cooler 1 PM/CPMS Compliance Stack Test, Kiln 1 Dioxin Furan Compliance Test. The TCEQ is exercising enforcement discretion on a case by case base for regulated entities that are experiencing staffing shortages due to the COVID-19 pandemic. The issues you outline in your request are issues we would consider granting enforcement discretion. Due to the limited availability of staff to perform these tests and travel restrictions, your request is approved, and this correspondence will serve as authorization for that request. A 60-day extension is granted making the new completion date, June 1, 2020.

If you or members of your staff have any questions, please feel free to contact Mr. George Ortiz at (210)403-4030.

Sincerely,  
Susan Jablonski, P.E.  
Area Director for Central Texas  
Texas Commission on Environmental Quality  
(512) 239-6731

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**From:** Audrey R Fulton <[REDACTED]>  
**Sent:** Friday, March 20, 2020 11:54 AM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>  
**Subject:** RE: Enforcement Discretion Questions - CEMEX Balcones Cement Plant

Thank you, George.

I'd like to request at 90-day extension on the following activities for the CEMEX Balcones Cement Plant in New Braunfels, Texas:

- Kiln 2 & Clinker Cooler 2 PM/CPMS Compliance Stack Test  
40 CFR Part 63, Subpart LLL, §63.1349
- Kiln 1 & Clinker Cooler 1 PM/CPMS Compliance Stack Test



- 40 CFR Part 63, Subpart LLL, §63.1349
- Kiln 1 Dioxin Furan Compliance Stack Test  
40 CFR Part 63, Subpart LLL, §63.1349
- Method 9 field recertification  
40 CFR Part 60, Appendix A

If you have any questions or require additional information, please contact me by phone at (941)380-7488 or by email at [REDACTED]

Thanks, Audrey Fulton



Audrey Fulton

Environmental Manager - Balcones Cement Plant - United States of America

Office : (210) 250-4009 Fax: (210) 250-4144

Address: 2580 Wald Rd. New Braunfels, TX 78132-4983

e-Mail: [REDACTED]

[www.cemexusa.com](http://www.cemexusa.com)

Picture2



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**From:** George Ortiz <[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)>

**Sent:** Friday, March 20, 2020 10:53 AM

**To:** Audrey R Fulton <[REDACTED]>

**Subject:** Enforcement Discretion Questions

Good afternoon Audrey,

I wanted to follow up with you in regards to your question on OCE granting enforcement discretion.

Please send your specific scenarios and questions to the emails

below. TCEQ's goal is provide a response within 48 hours. Thanks!

The emails should at a minimum include the following:

- Concise statement supporting request for enforcement discretion.
- Anticipate duration of need for enforcement discretion.
- Citation of rule/permit provision for which enforcement discretion is requested.

Here are the email boxes to send your questions:

[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)

[Ramiro.Garcia@tceq.texas.gov](mailto:Ramiro.Garcia@tceq.texas.gov)

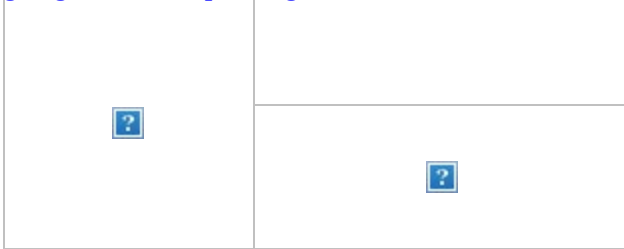
[George.Ortiz@tceq.texas.gov](mailto:George.Ortiz@tceq.texas.gov)

Regards,

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*George L. Ortiz*

Air Section Manager  
Region 13 - San Antonio  
Texas Commission on Environmental Quality  
14250 Judson Road, San Antonio, TX 78233  
Office: (210) 490-3096  
Direct: (210) 403-4030  
[george.ortiz@tceq.texas.gov](mailto:george.ortiz@tceq.texas.gov)



HAVE TEXAS PRIDE AND TAKE THE [PLEDGE](#)

CONFIDENTIALITY: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication, and the information contained in it, is strictly prohibited. If you are not the intended recipient, please contact the sender and immediately destroy all copies of the original message.

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CONFIDENTIALITY: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication, and the information contained in it, is strictly prohibited. If you are not the intended recipient, please contact the sender and immediately destroy all copies of the original message.

CONFIDENTIALITY: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication, and the information contained in it, is strictly prohibited. If you are not the intended recipient, please contact the sender and immediately destroy all copies of the original message.