

**From:** [Jonathan Walling](#)  
**To:** [Carder, Michelle](#)  
**Cc:** [OCE](#)  
**Subject:** Request for Enforcement Discretion - Eastman Chemical Company, Longview  
**Date:** Tuesday, January 5, 2021 11:08:39 AM

---

Good morning, Ms. Carder:

The TCEQ has evaluated your request for enforcement discretion related to the installation of a calorimeter/composition analyzer at Eastman Chemical Company (Eastman) located in Longview, Texas, as required by TCEQ New Source Review Permit No. 8539, Special Condition No. 8.

This enforcement discretion will be valid until February 15, 2021. The device shall be installed and operational as soon as possible by this date.

Eastman must maintain records adequate to document activities related to any noncompliance under enforcement discretion, including details of Eastman's best efforts to comply.

Regards,

Jonathan Walling, Area Director  
Coastal & East Texas Area Director  
Texas Commission on Environmental Quality

---

**From:** Carder, Michelle <[REDACTED]>  
**Sent:** Thursday, December 31, 2020 3:24 PM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** Craig Pritzlaff <[Craig.Pritzlaff@tceq.texas.gov](mailto:Craig.Pritzlaff@tceq.texas.gov)>  
**Subject:** Request for Enforcement Discretion - Eastman Chemical Company, Longview

Dear Mr. Pritzlaff

For the reasons described below, Eastman Chemical Company (Eastman) seeks enforcement discretion from TCEQ NSR Permit No. 8539, Special Condition No. 8 requirement to install a calorimeter/composition analyzer no later than December 31, 2020 and be operational within 90 days of final installation.

*Concise statement supporting request for enforcement discretion*

Eastman has been investigating calorimeters that meet the Permit 8539, SC 8 and EMACT (issued 8/2020) requirements. Multiple units were investigated and work proceeded on a capital project to install a calorimeter that could be installed before 12/31/2020. Note that work also proceeded on installation of a flow meter, as required by the same special condition and a test on the flow meter and installation of

that unit has been completed. The calorimeter installation has not been completed as the manufacturer experienced delays in receipt of materials and they have not yet completed construction of the unit. Complete construction is expected in early January, 2021. When completed, Eastman personnel will participate in a virtual test of the unit in order to minimize issues with installation on-site, the unit will be shipped overnight, and Eastman will then install the unit. Eastman anticipates that the unit will be operational before the end of January, 2021. So, while the installation date will not be met, the operational date is expected to be much sooner than the 90-day requirement after installation.

In light of the COVID-19 global pandemic, Eastman has been experiencing delays for other purchases, services, and deliveries. We are asking that the TCEQ exercise its inherent enforcement discretion related to these anticipated deviations and not pursue enforcement for them given the current circumstances.

*Anticipated duration of need for enforcement discretion*

As stated previously, if the manufacturer receives materials, as planned, we anticipate installation proceeding in early January. If no problems with the unit occur, it should be operational before the end of January, which would be compliant with the permit requirements.

*Citation of rule/permit provision for which enforcement discretion is requested*

Permit No. 8539, Special Condition 8:

The flow monitor and the Calorimeter/Composition Analyzer shall be installed no later than December 31, 2020 and must be operational within 90 days of final installation.

For the foregoing reasons, Eastman respectfully requests that the TCEQ exercise its inherent enforcement discretion to not pursue enforcement related to these anticipated deviations. Should you have any additional questions, please feel free to contact me at (903) 237-6762.

Best regards,

Michelle Carder | Eastman

Group Leader, Environmental Compliance and Environmental Support

Environmental Operations, Longview

(Office) 903.237.6762 (Mobile) 903.746.0827 (Fax) 903.237.6662

*Note: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.*