

**From:** [Jonathan Walling](#)  
**To:** [REDACTED]  
**Cc:** [Aldredge, Tim](#); [REDACTED] [OCE](#)  
**Subject:** Eastman Chemical Company Extension Request  
**Date:** Thursday, April 9, 2020 9:01:16 AM  
**Attachments:** [2020-04-08\\_Eastman Chemical Company Extension Request.pdf](#)

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Good morning, Mr. Phillips:

Your request for enforcement discretion concerning the testing of the Hydrochloric Acid Recovery Unit at Eastman Chemical Company in Longview, Texas, as represented in the attached, is disapproved at this time. Since the referenced test is not due until August 13, 2020, there remains approximately 4 months in which Eastman may be able to conduct the required test, if conditions allow. If it is apparent by July 13, 2020, that the test will not be able to be conducted, please resubmit your enforcement discretion request.

The TCEQ is committed to working cooperatively and reasonably with the regulated community during the COVID-19 pandemic. The decision to disapprove this request will not reflect on any future request Eastman Chemical Company may make with respect to the subject testing. Each enforcement discretion request is evaluated based on its own merits.

Regards,

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

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**From:** Phillips, Kevin G <[REDACTED]>  
**Sent:** Wednesday, April 8, 2020 2:46 PM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Cc:** Aldredge, Tim <[REDACTED]> Phillips, Kevin G <[REDACTED]>  
Covington, Courtney LJ <[REDACTED]> Faber, Steve <[REDACTED]>  
**Subject:** Eastman Chemical Company Extension Request

To Whom it May Concern,

Please see the attached pdf document, which was also mailed to TCEQ April 4, 2020

Thank You

**Kevin Phillips** | Eastman  
Environmental Operations Longview  
Regulatory Affairs  
Office: 903.237.5841



Eastman Chemical Company  
Texas Operations  
P.O. Box 7444  
Longview, Texas 75607-7444  
Phone (903) 237-5000

April 8, 2020

**Certified Mail Return Receipt Number 7016 1370 0002 0788 6745**

Martin Torres  
Project Manager  
Team I Industrial and Hazardous Waste Permits Section  
Waste Permits Division  
Texas Commission on Environmental Quality  
MC-130  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Mr. Torres:

**Re: Eastman Chemical Company, Hydrochloric Acid Recovery Unit/Halogen  
Acid Furnace MACT EEE Comprehensive Performance & RCRA Permit  
Testing Extension Request  
Permit No. HW-50043  
Industrial Solid Waste Registration No. 30137  
EPA I.D. No. TXD007330202  
RN No. RN100219815  
CN No. CN601214406**

Eastman Chemical Company, Longview Operations (Eastman) is requesting an extension to delay and conduct 40 CFR, Part 63, Subpart EEE, §63.1207(d)(1) Comprehensive Performance Testing (CPT) and RCRA Permit Five (5) year testing required by section V.I.6.b, of our RCRA permit, for the Hydrochloric Acid Recovery Unit/Halogen Acid Furnace (i.e., HCl Unit), due to complications from the COVID-19 virus. This letter is also being e-mailed to both [OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov) and [Ramiro.Garcia@tceq.texas.gov](mailto:Ramiro.Garcia@tceq.texas.gov). Eastman specifically requests that our extension to begin testing be granted until at least October 31, 2020, since use of our planned spiking material, Methylene Chloride, is much more difficult to handle safely during extremely hot summer temperatures and the lingering effects/restrictions of the virus are unknown at this time. Also, the unit's testing is not required to be completed until August 13, 2020, five years from the August 15, 2015 date of the last completed 5-year RCRA testing and slightly later under MACT EEE. As you are aware, Eastman is also attempting to conduct testing at our Rotary Kiln Incinerator and Fluid Bed Incinerator during the last half of year 2020 and the uncertainty of when the COVID-19 precautions can be reduced is unknown. Recently, TCEQ granted an extension not later than July 31, 2020 for our Rotary Kiln Incinerator testing.



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40 CFR Part 63, Section §63.1207(d) and 63.1207(i) allow Eastman the opportunity to request and extension for "*other reasons deemed acceptable by the Administrator.*" Eastman is requesting this extension due to the COVID-19 (coronavirus), and Eastman's responsibility to protect our HCI Unit operations personnel. This request will also eliminate the exposure to outside testing contractors (e.g., AECOM and spiking company personnel) entering Eastman's facility. Eastman must take all necessary efforts to socially distance our operations personnel from others. Continued daily operation of our HCI Unit is essential to Eastman operations.

Eastman also believes the Texas Governor Greg Abbott's declaration of a disaster in Texas supports Eastman's request to delay and conduct our RCRA and MACT testing, until the safety of not only Eastman operations personnel is enhanced but also others, like off-site contractors.

Eastman would hope the spread of the COVID-19 virus is greatly reduced in the coming months and Eastman could then conduct testing. With testing contractors and spiking contractors' schedules now also being disrupted, Eastman would hope to test the unit in the fall of 2020, pending COVID-19's continued effects and contractor availability. Eastman also believes the TCEQ's Deputy Director, Office of Compliance and Enforcement, Ramiro Garcia, Jr's guidance (attached below) supports Eastman's request to delay and conduct our testing.

To Eastman's knowledge, Eastman operates the HCI Unit in compliance with the operational and emissions requirements of 40 CFR Subpart EEE and our RCRA permit. Eastman does not believe a delay in conducting the CPT and RCRA testing will affect compliance capabilities. This unit operates with numerous automatic waste feed cutoffs regularly calibrated and activated before established limits are reached.

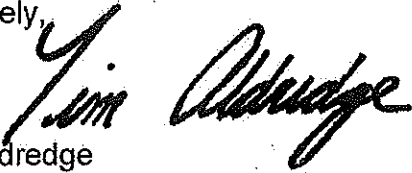
Eastman's testing plan was submitted to TCEQ on June 6, 2019 and on March 9, 2020 TCEQ approved this testing plan.

Eastman believes we have supplied the needed information supporting our request to delay and conduct our HCI Unit testing and to take actions necessary to protect Eastman personnel and contractor personnel while also protecting state personnel who have witnessed our previous testing. Pending COVID-19 lingering effects/restrictions, Eastman may submit an additional extension request.

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If additional information or discussion is needed, please contact Mr. Tim Aldredge (903)  
237-5826 or via e-mail at [REDACTED]

Sincerely,

A handwritten signature in black ink that reads "Tim Aldredge". The signature is written in a cursive style with a large, stylized "T" and "A".

Tim Aldredge  
Manager - Environmental Operations, Longview

Attachment

## Attachment

March 18, 2020

### From the Office of Compliance and Enforcement

With the onset of COVID-19 (coronavirus) and the Governor's Proclamation of a state of disaster in Texas, the TCEQ is aware that regulated entities may be experiencing an impact from a reduced workforce necessary to maintain normal operations at some facilities. All regulated entities are encouraged to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Texans and the environment. However, in the instance that noncompliance is unavoidable directly due to impact from the coronavirus, an email box has been established by TCEQ to accept requests for potential enforcement discretion. Regulated entities should email both [OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov) and [Ramiro.Garcia@tceq.texas.gov](mailto:Ramiro.Garcia@tceq.texas.gov) with specific information related to enforcement discretion requests. The OCE (Office of Compliance & Enforcement) email box is monitored daily by multiple TCEQ staff who will ensure the requests are expeditiously addressed. The TCEQ's goal is to provide a response to the regulated entity's request within 24 to 48 hours.

The email to OCE should at a minimum include the following:

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

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.

Any questions regarding this guidance should be directed to the OCE email box and a response will be provided.

Sincerely,

Ramiro Garcia, Jr

Deputy Director, Office of Compliance & Enforcement