

From: [Jonathan Walling](#)
To: [Wayne, Regina C](#); [Aldredge, Tim](#)
Cc: [Cynthia Gandee](#); [Jacqueline Cullather](#); [Martin Torres](#); [Ramiro Garcia](#); [OCE](#)
Subject: RE: 2020-03-20_KGP_U2_RKI_MACT_EEE_CfPT_Testing_Extension_Request
Date: Friday, March 20, 2020 2:34:53 PM

Good afternoon, Ms. Wayne:

The TCEQ has received your request to delay Eastman Chemical Company's confirmation performance testing of its Rotary Kiln incinerator. Your request is approved. The new deadline will be no later than July 31, 2020. The test must be conducted as soon as practicable before this date. Should the need for a second extension need to be considered, please re-submit your request. The TCEQ will consider additional enforcement discretion regarding this deadline as conditions warrant, in response to COVID-19.

Regards,

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

From: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Sent: Friday, March 20, 2020 8:21 AM
To: Wayne, Regina C <[REDACTED]> Aldredge, Tim <[REDACTED]> OCE <OCE@tceq.texas.gov>; Martin Torres <martin.torres@tceq.texas.gov>
Cc: Jonathan Walling <jonathan.walling@tceq.texas.gov>; Cynthia Gandee <Cynthia.Gandee@tceq.texas.gov>; Tracy Miller <tracy.miller@tceq.texas.gov>; Susan Johnson <susan.johnson@tceq.texas.gov>; Jayme Sadlier <jayme.sadlier@tceq.texas.gov>; Jacqueline Cullather <Jacqueline.Cullather@tceq.texas.gov>; Monica Aplin <Monica.Aplin@tceq.texas.gov>
Subject: RE: 2020-03-20_KGP_U2_RKI_MACT_EEE_CfPT_Testing_Extension_Request

Good morning Ms. Wayne,

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

Best regards,

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

From: Wayne, Regina C <[REDACTED]>
Sent: Friday, March 20, 2020 8:10 AM

To: Aldredge, Tim <[REDACTED]> OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Martin Torres <martin.torres@tceq.texas.gov>
Cc: Wayne, Regina C <[REDACTED]>
Subject: 2020-03-20_KGP_U2_RKI_MACT_EEE_CfPT_Testing_Extension_Request



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

March 20, 2020

Certified Mail Return Receipt Number 7016 1370 0002 0788 6653

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, RKI MACT EEE Confirmatory Performance 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)(2) Confirmatory Performance Testing (CfPT) at our RCRA permitted Rotary Kiln Incinerator (RKI) due to the COVID-19 (coronavirus). This letter is also being e-mailed to both OCE@tceq.texas.gov and Ramiro.Garcia@tceq.texas.gov.

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 need to protect our RKI 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 RKI 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 testing, until the safety of not only Eastman operations personnel is enhanced but also others, like off-site contractors.



Martin Torres
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March 20, 2020

Eastman would hope the spread of the COVID-19 virus effects is greatly reduce in the next two to four months and then Eastman could conduct testing. With testing contractors and spiking contractors' schedules now also being disrupted, Eastman would hope to test the unit in the summer or fall of 2020, pending COVID-19's continued effects. 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 RKI in compliance with the operational and emissions requirements of 40 CFR Subpart EEE. Eastman does not believe a delay in conducting the CfPT at the RKI will affect compliance capabilities.

Eastman's testing plan was submitted to TCEQ on February 5, 2020 and on March 9, 2020 TCEQ conditional approved this testing plan.

Eastman believes we have supplied the needed information delay and conduct our RKI testing and to take actions necessary to protect Eastman personnel, contractor personnel while also enhancing protection of state personnel who have witnessed our previous testing and may be present for this RKI testing. Eastman may have to also request additional time to conduct testing for other MACT EEE regulated units (i.e., HCI Recovery Unit and Fluidized Bed Incinerator) pending the COVID-19 continued effects.

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

Sincerely,



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 and 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
