

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: Request for Enforcement Discretion - Eastman Chemical Company, Longview
Date: Thursday, April 16, 2020 3:02:40 PM

Good afternoon, Ms. Carder:

The TCEQ will conditionally exercise enforcement discretion that opacity observations to be conducted by certified individuals and in accordance with 30 TAC Chapter 111 and 40 CFR 60, Appendix A, Method 9, and Eastman Chemical Company's Title V Permits 01973, 01971, 01978, 01976, 01970, 02082, 01982, 01977, 01974, 01975, 01436, 01981, 01979 and New Source Review Permits 5283, 92682, 17833 and 39842. This approval is contingent upon Eastman Chemical Company continuing to have staff currently certified performing these activities until such time that they can be recertified. This enforcement discretion is valid until June 30, 2020. The recertifications shall be obtained as soon as practicable before this date, as conditions allow. Should an extension beyond this date be needed, please re-submit your request.

This enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations.

Regulated entities must maintain records adequate to document activities related to any noncompliance under enforcement discretion, including details of the regulated entity'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: Monday, April 13, 2020 10:30 AM
To: OCE <OCE@tceq.texas.gov>
Cc: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: Request for Enforcement Discretion - Eastman Chemical Company, Longview

Dear Mr. Garcia,

For the reasons described below, Eastman Chemical Company (Eastman) seeks enforcement discretion from the 30 TAC §111.111(a)(1)(G) requirement that its opacity readers recertify every 180 days their ability to perform Method 9 opacity observations.

Concise statement supporting request for enforcement discretion

Eastman operates a large, complex chemical manufacturing facility in Longview, Texas. At this site, we have a number of sources that require routine Method 9 opacity observations under the site's 16 Clean Air Act Title V permits and associated New Source Review permits. We have six individuals certified to conduct those observations. All six of our certified opacity observers' certifications will expire in early May of 2020. In anticipation of these expiring certifications, we had planned to host a recertification smoke school in April. We arranged for the Smoke School instructors to conduct this recertification training at our Longview site and even opened the class to non-Eastman personnel needing recertification. Both the instructors as well as some of the third-party participants were planning to travel to Longview from out of state.

In light of the COVID-19 global pandemic, Governor Greg Abbott's March 31, 2020, Executive Order No. GA-14 directing all Texans to stay at home except to provide essential services, and the social distancing and stay-at-home guidance being issued by the Centers for Disease Control, we cancelled the recertification smoke. We did this to avoid the instructors having to travel, to avoid instructors potentially exposing our employees and vice-versa, and because delaying this recertification will not impact the ability of our observers to accurately read opacity. Collectively, our observers have been certified and conducting these observations for more than 30 years. These opacity readers will continue to conduct required opacity observations, following all the same protocols and procedures they normally follow. We will document which observations were done by observers with lapsed certifications and will report those observations as required. However, 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

- We will attempt to have our opacity observers recertify their ability to perform Method 9 observations as soon as state and federal officials advise that travel, social distancing and stay-at-home directives are lifted. While we do not currently know when that will occur, we anticipate that we will be able to get our opacity observers recertified by the end of 2020.

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

30 TAC §111.111(a)(1)(G)

Current certification of opacity readers for determining opacities under 40 CFR 60, Appendix A, Method 9, shall be accomplished by the successful completion of a TACB visible emissions evaluator's course by opacity readers no more than 180 days before the opacity reading.

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



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