

From: [Jonathan Walling](#)
To: [REDACTED] [Aldredge, Tim](#)
Cc: [OCE](#); [Rebekah Stanush](#)
Subject: Request for Enforcement Discretion - Eastman Chemical Company, Longview, Texas_#2
Date: Wednesday, July 8, 2020 1:18:50 PM

Good afternoon, Mr. Phillips:

The TCEQ has evaluated Eastman Chemical Company's request for enforcement discretion to conduct comprehensive performance testing for your hydrochloric acid production furnace (HAPF) and to conduct confirmatory performance testing of your rotary kiln incinerator, as required by 40 CFR, Part 63, Subpart EEE (MACT), §63.1207(d)(1) and §63.1207(d)(2), and for waste and exhaust testing of the HAPF, as required by RCRA Permit 50043, Section V.I.6.b.

Your request is approved and will be valid through September 30, 2020. The required tests should be completed as soon as practicable by this date. Should an extension beyond this be needed, due to challenges created by the COVID-19 pandemic, please submit a new request for consideration.

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
Texas Commission on Environmental Quality

From: Phillips, Kevin G <[REDACTED]>
Sent: Tuesday, July 7, 2020 10:45 AM
To: OCE <OCE@tceq.texas.gov>
Cc: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Phillips, Kevin G <[REDACTED]>
Aldredge, Tim <[REDACTED]>
Subject: Request for Enforcement Discretion - Eastman Chemical Company, Longview, Texas

Dear Mr. Ramiro Garcia,

For the reasons described below, Eastman Chemical Company (Eastman) seeks enforcement discretion from the requirements in 40 CFR, Part 63, Subpart EEE (MACT), §63.1207(d)(1) and §63.1207(d)(2), to conduct Comprehensive Performance Testing every 61 months at our HCl Recovery Unit (i.e., Hydrochloric Acid Production Furnace) and the requirement to conduct Confirmatory Performance Testing every 31

months at the Rotary Kiln Incinerator (RKI). Eastman also seeks enforcement discretion from waste and exhaust testing every five (5) years at the HAPF as required by RCRA Permit 50043, Section V.I.6.b.

Concise statement supporting request for enforcement discretion

Eastman operates a large, complex chemical manufacturing facility in Longview, Texas. At this site, we have three (3) sources that require MACT testing according to Clean Air Act (MACT EEE) requirements and testing per RCRA Hazardous Waste Permit 50043. Eastman submitted two (2) testing plans within the required timelines per the MACT regulation and the RCRA permit, a HAPF test plan submitted June 7, 2019 and an RKI testing plan submitted February 5, 2020. Both plans were approved by TCEQ and pretest meetings were completed with TCEQ personnel. Eastman was scheduled to begin testing the RKI the week of July 13, 2020 and the HAPF testing was scheduled the week of July 20, 2020. Eastman also has scheduled to complete MACT testing and RCRA testing at our Fluid Bed Incinerator the week of August 31 - September 4, 2020, pending no COVID-19 complications.

Testing contractor AECOM has expressed concern that its testing personnel, who are located in areas where COVID-19 cases have recently spiked, could result in the exposure of Eastman personnel and other residents in the Longview area to COVID-19. AECOM's testing personnel are located in Austin, Texas and the testing spiking contractor is located in Pearland, Texas. Given COVID-19 cases have spiked in these areas and that Governor Greg Abbott has indicated that enhanced COVID-19 actions are needed, Eastman believes it is unwise to move forward with these tests at this time.

In response to Eastman's March 20, 2020 request, the TCEQ's Jonathan Walling granted Eastman an extension of time to conduct testing at the RKI up to and including July 31, 2020. He also indicated that a second extension would be considered if it was needed. Eastman also previously requested additional time to conduct HAPF testing. The TCEQ denied that request on April 9, 2020, but indicated that Eastman could renew its request depending on the COVID-19 situation.

In light of the COVID-19 global pandemic, Governor Greg Abbott's, Executive Order No. GA-14 directing all Texans to stay at home except to provide essential services, the social distancing/stay-at-home guidance issued by the Centers for Disease Control and more recent announcements/alerts (e.g., June 25, 2020) by Governor Greg Abbott in the face of the rapid increase in COVID-19 cases in Texas, and the fact that the contractors needed to conduct our testing would be traveling to Longview, TX from known areas (e.g., Austin, TX., Houston, TX, etc.) where there are increasing numbers of COVID-19 cases, Eastman respectfully requests an extension of time to complete the aforementioned required testing at its HAPF and RKI units. Upon information and belief, these units remain in full compliance with all requirements other than the requirements to complete the testing within the timeframes previously noted.

Anticipated duration of need for enforcement discretion

Subject to possible changes in the future and the need for an additional extension of time, Eastman will complete this testing before the end of October 31, 2020.

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

40 CFR, Part 63, Subpart EEE(MACT), §63.1207(d)(1) and §63.1207(d)(2), requirements for Comprehensive Performance Testing every 61 months at our HCl Recovery Unit (i.e., Hydrochloric Acid Production Furnace, HAPF) and Confirmatory Performance Testing every 31 months at the Rotary Kiln Incinerator (RKI). Eastman also seeks enforcement discretion from at the HAPF regarding RCRA Permit 50043, Section V.I.6.b.

For the foregoing reasons, Eastman respectfully requests that the TCEQ grant it an extension of time, until October 31, 2020, to complete the noted testing and that the TCEQ exercise its inherent enforcement discretion for not completing the testing within the required period as a result of the COVID-19 global pandemic. Should you have any additional questions, please feel free to contact me at (903) 237-5841.

Best regards,

To: OCE <OCE@tceq.texas.gov>

Cc: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>

Subject: Request for Enforcement Discretion - Eastman Chemical Company, Longview

Kevin Phillips | Eastman

Environmental Operations Longview

Regulatory Affairs

Office: 903.237.5841