

From: [David Ramirez](#)
To: [Leyba, Patrick](#)
Cc: [Anita Keese](#); [Ramiro Garcia](#); [OCE](#)
Subject: RE: Potential Enforcement Discretion-El Paso Electric
Date: Friday, April 10, 2020 10:38:21 AM

Good morning Mr. Leyba,

The TCEQ has received your request for enforcement discretion for the Eastside Distribution and Operations Center (RN106687239) owned and operated by El Paso Electric Company. Your request is approved in accordance with the representation in your request for:

- Enforcement discretion on exceeding universal waste container accumulation time limits as established by 40 CFR 273.15 and 30 TAC 335.261.

The enforcement discretion is effective until April 30, 2020. The TCEQ remains committed to working with our regulated community on a case by case basis. These required activities should be completed as soon as practicable, as conditions allow, before this date and should an extension beyond this be needed, please re-submit your request. This discretion is limited to the Texas Commission on Environmental Quality and does not limit EPA's ability to enforce federal regulations.

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.

Regards,
David A. Ramirez, Area Director
Border and Permian Basin Area
Texas Commission on Environmental Quality

From: Leyba, Patrick <[REDACTED]>
Sent: Thursday, April 9, 2020 5:05 PM
To: David Ramirez <david.ramirez@tceq.texas.gov>
Cc: Anita Keese <anita.keese@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Subject: RE: Potential Enforcement Discretion-El Paso Electric

David,

Thank you for the quick response. Please see the additional information you requested highlighted below.

- Anticipated date of the larger waste disposal shipment
We have a shipment scheduled for 4/15/2020
- Duration of the need for enforcement discretion
[REDACTED]

March 16, 2020 – April 30, 2020.

EPE implemented remote work strategies on 3/16 and will remain operating under these condition at least through April, if not longer.

- The specific regulated entity number (RN) for which enforcement discretion is requested
El Paso Electric customer number is CN600352819
(RN) is RN106687239 for Eastside Operations Center

Patrick Leyba | [El Paso Electric Company](#)

Engineer Staff, Environmental

P.O. Box 982 | El Paso, Texas 79960

T: (915) 521-4461 | C: (915) 472-4583



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From: David Ramirez <david.ramirez@tceq.texas.gov>

Sent: Wednesday, April 8, 2020 3:06 PM

To: Leyba, Patrick <[REDACTED]>

Cc: Anita Keese <anita.keese@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>

Subject: RE: Potential Enforcement Discretion-El Paso Electric

[Notice: This email originated outside of EPE, exercise caution with links and attachments]

Good afternoon Mr. Leyba,

The TCEQ has received your request for enforcement discretion for the Eastside Operations Center owned and operated by El Paso Electric Company. Currently, we are unable to grant enforcement discretion. In order to properly assess your request, we require more detailed information. The email should, at a minimum, include the following:

- Anticipated date of the larger waste disposal shipment,
- Duration of the need for enforcement discretion, and
- The specific regulated entity number (RN) for which enforcement discretion is requested. If an RN has not been assigned to this site (<https://www15.tceq.texas.gov/crpub/>), please complete a core data form and include with this request (https://www.tceq.texas.gov/permitting/central_registry/guidance.html)

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.

We are committed to working with the regulated entities to find viable solutions as we cope with this pandemic. If you have questions, we are available to discuss your matter.

Regards,
David A. Ramirez, Area Director
Border and Permian Basin Area
Texas Commission on Environmental Quality

From: Leyba, Patrick <[REDACTED]>
Sent: Tuesday, April 7, 2020 2:42 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Subject: Potential Enforcement Discretion-El Paso Electric

Greetings,

El Paso Electric is requesting enforcement discretion as per TCEQ guidance for regulated entities during the COVID-19 pandemic. Please review the attached memorandum describing the request, potential nonconformance and correlating rule citations.

Thank you,

Patrick Leyba | [El Paso Electric Company](#)
Engineer Staff, Environmental
P.O. Box 982 | El Paso, Texas 79960
T: (915) 521-4461 | C: (915) 472-4583
[REDACTED]



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P.O. Box 982
El Paso, Texas
79960-0982

Memorandum

To: Mr. Ramiro Garcia-Deputy Director
TCEQ Office of Compliance and Enforcement
Ramiro.Garcia@tceq.texas.gov

From: Patrick Leyba
El Paso Electric-Environmental Department
[REDACTED]

CC: TCEQ Office of Compliance and Enforcement
OCE@tceq.texas.gov

Dear Mr. Garcia:

El Paso Electric (EPE) is requesting enforcement discretion regarding the regulatory requirements under 40 CFR 273 and Title 30 of the Texas Administrative Code, Section 335.261. EPE is considered a Small Quantity Handler of Universal Waste, generating various types of waste at its Eastside Operations Center at 13511A Montana Avenue in El Paso, TX.

Effective March 16, 2020 EPE implemented remote work strategies to reduce the potential spread of COVID-19. Accordingly, EPE altered schedules for disposal shipments to minimize frequency of contractor access to operational locations.

On Tuesday April 2nd, 2020, EPE discovered a potential non-conformance of a Universal Waste container of fluorescent lamps that exceeded the accumulation time limit of one year. The accumulation start date of the referenced container is 3/28/2019 and is at approximately 25% storage capacity (5 lamps total).

The container was tentatively scheduled to be shipped for disposal the week of March 23, 2020 but that pick up was postponed. EPE is currently in the process of scheduling a larger waste disposal shipment which will include the fluorescent lamps discussed in this memo.

Should there be any further questions or comments, please contact me at (915) 472-4583.

Sincerely,

Patrick Leyba

Patrick Leyba
Environmental Scientist