

From: [Randy Ammons](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: Re: Request for Enforcement Discretion-Holcim (US) Inc.
Date: Wednesday, April 8, 2020 8:15:00 AM
Attachments: [image001.gif](#)

Good morning Mr. Carnes.

This is in response to your request for enforcement discretion received on April 3, 2020.

In your request, you indicate you are seeking enforcement discretion for:

1. Monthly DMR reporting and twice weekly discharge monitoring reporting as required by TPDES Permit WQ000258000.

Due to COVID-19 and reduced staff in the workplace, **TCEQ will exercise enforcement discretion for DMRs submitted for the months of February, March, and April 2020.** The agency will consider additional enforcement discretion regarding this deadline as conditions warrant in response to COVID-19.

For enforcement discretion related to noncompliance resulting from the COVID-19 pandemic, permittees are still expected to report data when they can. If certain data is missing due to issues caused by the pandemic refer to [EPA's Temporary Policy](#), and use the No Data Indicator (NODI) code that best applies to the situation. If you have any questions regarding NPDES-related reporting, please contact the NetDMR Helpline at 512-239-eDMR (3367) or NetDMR@tceq.texas.gov.

With regard to missing data (i.e., inability to sample), the following is posted on our NetDMR page (<https://www.tceq.texas.gov/permitting/netdmr>).

2. Special Conditions-Permit 8996/PSDTX454M4

Special Condition 14 pertaining to watering/sweeping plant roads

We are unable to approve this portion of your request. Roads need to be maintained so as not to create a nuisance condition.

Special Conditions 19C and 20D pertaining to quarterly audits of CEMS and COMS

This portion of your request is approved for 60 days through June 3, 2020.

Special Condition 23E pertaining to weekly zero and span checks of NH3 CEMS

This portion of your request is approved for 60 days through June 3, 2020

Special Condition 32 pertaining to inspections of aqueous ammonia dosing system

This portion of your request is approved for 60 days through June 3, 2020.

Special Condition 34 pertaining to quarterly monitoring

This portion of your request is approved for 60 days through June 3, 2020.

3. Federal Operating Permit O-1046 pertaining to visible emissions monitoring and semi-annual reporting

We are unable to approve this portion of your request. Visible emissions monitoring is required quarterly and you must continue to submit semi-annual report(s) as required by FOP O-1046.

Please remember that while the TCEQ may give enforcement discretion for state rules, the EPA may

still take action if violations of federal rules are documented.

The TCEQ will revisit this issue at the appropriate time and reserves the right to withdraw this approval as conditions change.

The TCEQ is committed to working with you as we respond to the COVID-19 pandemic. If you have any questions or new information, please feel free to contact us at any time.

Regards

Randy J. Ammons, Area Director
North Central and West Texas Area

From: [Daniel Carnes](#)
To: [Ramiro Garcia](#)
Subject: Holcim (US) Inc.
Date: Friday, April 3, 2020 4:07:40 PM
Attachments: [20200403 Holcim \(US\) Inc. RN100219286 Enforcement Discretion request.pdf](#)

Mr. Garcia,

Please see the attached letter from Holcim (US) Inc. requesting relief in monitoring and reporting for the duration of the COVID19 Emergency.

Permit 8996 and PSD-TX-454M4

Account Number: ED-099-J

Customer Number: CN601505985

Regulated Entity Number: RN100219286

Please contact me with any questions you may have.

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Daniel Carnes
Area Environmental Manager

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This e-mail is confidential and intended only for the use of the above named addressee. If you have received this e-mail in error, please delete it immediately and notify us by e-mail or telephone.

April 3, 2020

Ramiro Garcia Jr.
Deputy Director
Office of Compliance & Enforcement
Texas Commission on Environmental Quality

Via email

Re: Enforcement Discretion related to Covid 19

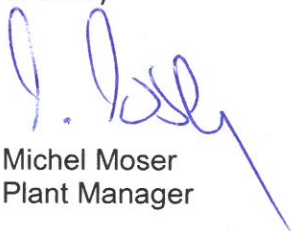
Mr. Garcia

Holcim (US) Inc. is a cement manufacturing facility located in Midlothian – Ellis County – Texas. Due to the ongoing COVID-19 Pandemic Crisis, and to comply with Governor Abbot's Emergency declaration on March 13, 2020 and EPA's announcement for enforcement discretion on March 26, many Holcim personnel have been sheltering in place. This has led to reduced staffing at the cement plant making routine inspections difficult. Safety measures implemented to help stop the spread of the virus have also resulted in the restrictions of vendors and contractors from entering the facility. As such Holcim is requesting relief from the following requirements until such time as the emergency declaration has been lifted;

- TPDES Permit WQ0002580000
 - Twice weekly monitoring during discharge
 - Monthly DMR reporting
- Permit 8996/PSDTX454M4
 - Special Condition 14 pertaining to watering/sweeping of plant roads
 - Special Condition 19C pertaining to quarterly audits of CEMS
 - Special Condition 20D pertaining to quarterly audits of COMS
 - Special Condition 23E pertaining to weekly zero and span checks of the NH3 CEMS
 - Special Condition 32 pertaining to inspections of the aqueous ammonia dosing system
 - Special Condition 34 pertaining to quarterly monitoring reports
- Federal Operating Permit O-1046 pertaining to visible emissions monitoring and semi-annual reporting.

If you have any questions please do not hesitate to contact Dan Carnes, Environmental Manager, at 972-923-5830.

Sincerely

A handwritten signature in blue ink, appearing to read "M. Moser", written over a blue line.

Michel Moser
Plant Manager