

From: [Randy Ammons](#)
To: [Marilyn Jones](#)
Cc: [OCE](#); [Randy Ammons](#)
Subject: RE: Covid-19 Related Request for Enforcement Discretion-Lattimore Materials Corp
Date: Wednesday, April 15, 2020 3:33:03 PM

Good afternoon Ms. Jones.

This is in response to your request for enforcement discretion received on April 3, 2020 and your follow-ups received on April 7, 2020 and April 10, 2020.

In your request, you indicate you are seeking enforcement discretion at 34 sites for:

1. TXG110000 General Permit (Concrete Batch Plants) Standard Permit Condition 3.

We approve granting enforcement discretion regarding adequate laboratory controls and appropriate quality assurance activities for 60 days through June 3, 2020. Lattimore shall continue at all times to properly operate and maintain all facilities and systems of treatment and control installed or used to achieve compliance with conditions of the general permit.

2. TXG110000 General Permit (Concrete Batch Plants) Standard Permit Condition 7. We approve granting enforcement discretion for a) and d) as requested for a period of 60 days through June 3, 2020. Regarding f), 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>).

3. TXR050000 General Permit to Discharge Under TPDES
a. Part III, Section B.2 regarding Routine Facility Inspections

We approve granting enforcement discretion for the current quarter on the condition that inspections are still conducted to ensure that off-property impacts are not occurring.

- b. Part III, Section B.3 regarding Quarterly Visual Monitoring

We are unable to grant enforcement discretion for quarterly visual monitoring. Quarterly visual monitoring must continue to ensure that off-property impacts are not occurring.

- c. Part III, Section B.4 regarding Water Quality Monitoring

We are unable to grant enforcement discretion for annual water quality

monitoring.

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, Director
North Central and West Texas Area
Texas Commission on Environmental Quality

From: Marilyn Jones <[REDACTED]>
Sent: Friday, April 10, 2020 10:56 AM
To: Randy Ammons <randy.ammons@tceq.texas.gov>
Subject: Re: Covid-19 Related Request for Enforcement Discretion

Randy,
Please see attached with revisions.
Thank you.

On Thu, Apr 9, 2020 at 10:58 AM Randy Ammons <randy.ammons@tceq.texas.gov> wrote:

Good morning Ms. Jones.

This is in response to your request for enforcement discretion received on April 3, 2020 and your follow-up received on April 7, 2020.

We are still unable to process your request. For us to continue to process your request, we will need a list of facilities for which you are requesting enforcement discretion. The list of facilities should include, at a minimum, facility name, RN number, location and type of permit for each facility if they are operating under General Permits. If any of the facilities operate under site specific permits, we will need those permit numbers and permit provision(s) for which you are requesting enforcement discretion.

Regards

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



LATTIMORE MATERIALS CORP

15900 Dooley Road
Addison, Texas 75001-2469
972-221-4646 main
214-379-1816 fax

April 10, 2020

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

Re: Enforcement Discretion related to Covid 19

Mr. Garcia

Lattimore Materials Corp (LMC) is writing you to request that the Texas Commission on Environmental Quality (TCEQ) exercise enforcement discretion for certain environmental activities while precautionary procedures related to the COVID-19 virus responses are in effect by federal and state governments.

Lattimore Materials Corp (LMC) is a construction materials company with locations in Texas. Specifically, LMC supplies aggregates and ready-mix concrete to both private and public entities performing construction related projects.

To comply with various requirements addressing the COVID-19 virus response, LMC has implemented its social distancing policies for its employees and limited the movement of personnel between facilities to prevent the spread of the COVID-19 virus. As a result, LMC employees and third-party contractors responsible for conducting certain environmental activities are no longer available at sites as needed to effectively oversee daily and monthly compliance regimes. Concomitantly, restrictions have been put in place at third party vendors and labs which further impact compliance programs.

Accordingly, our operations are only using essential personnel to keep operations running and performing activities such as environmental monitoring and reporting requirements associated with several of our environmental permits. LMC notes that the U.S. Environmental Protection Agency (“US EPA”) published a memorandum outlining how it shall exercise enforcement discretion for noncompliance covered by this temporary policy and resulting from the COVID-19 pandemic.

In light of the current situation we see in Texas and throughout the United States, we are anticipating that a return to normal operations and normal compliance activity may take up to six months and therefore request this duration for needed enforcement discretion.

Please extend enforcement discretion to all of LMC facilities (CN603943606) with active TXG110000 and TXR050000 permits. LMC is seeking enforcement discretion for the following:

TXG110000 – General Permit to Discharge Stormwater and Wastewater (Concrete Batch Plants)

Part IV – Standard Permit Conditions



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3 - The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit . Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of back-up facilities, auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.

7 - Standard Monitoring and Reporting Requirements

- a) Samples must be collected, and measurements must be taken, at times and in a manner so that it is representative of the monitored activity.
- d) The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- f) Analytical results for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system, et.al.

TXR050000 –General Permit to Discharge Stormwater Under the TPDES.

Part III, Section B – Periodic Inspections and Monitoring

- 2 –Routine Facility Inspections
- 3 – Quarterly Visual Monitoring
- 4 - Water Quality Monitoring

Facility name, Location, associated RN number, and permit numbers are included in the Table below.

RN #	Name	Location	Permit #
RN106411283	Ambrose Sand & Gravel Plant	Bells, TX	TXR05BH36
RN108187089	Glen Rose Sand & Gravel Plant	Glen Rose, TX	TXR05EK85
RN105717508	Rosser Sand Plant	Scurry, TX	TXR05AY93
RN105088967	Downtown Dallas	Dallas, TX	TXG111183
RN102941473	Dallas RMX	Dallas, TX	TXG111193
RN101917078	Forney RMX	Forney, TX	TXG111195
RN100241454	Lewisville RMX	Lewisville, TX	TXG111197
RN102535655	Prosper RMX	Prosper, TX	TXG111203
RN100249812	Roanoke RMX	Roanoke, TX	TXG111204
RN104418215	Barker RMX	Barker, TX	TXG111207
RN100519248	Spring RMX	Spring, TX	TXG111208
RN102459864	Plano RMX	Plano, TX	TXG111211
RN103637815	Crowley RMX	Crowley, TX	TXG111212
RN101730943	Blue Mound RMX	Fort Worth, TX	TXG111213



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RN100250190	Mansfield RMX	Venus, TX	TXG111214
RN101917102	Rockwall RMX	Rockwall, TX	TXG111216
RN100249770	McKinney RMX	McKinney, TX	TXG111217
RN102070026	Denton RMX	Denton, TX	TXG111219
RN102535440	Coppell RMX	Coppell, TX	TXG111220
RN100519685	Conroe RMX	Conroe, TX	TXG111221
RN100519719	Tomball RMX	Tomball, TX	TXG111222
RN102933504	Melissa RMX	Melissa, TX	TXG111223
RN100250208	Sherman RMX	Sherman, TX	TXG111225
RN102572492	Royse City RMX	Royse City, TX	TXG111226
RN100745124	Wylie RMX	Lavon, TX	TXG111228
RN100737642	Colorado River Concrete RMX	Alvarado, TX	TXG112367
RN110876620	North Point Portable RMX	Fort Worth, TX	TXG112575
RN110590783	Grand Prairie Portable RMX	Grand Prairie, TX	TXG112420
RN111010211	Mesquite Portable RMX	Mesquite, TX	TXG112631
RN110939022	Mustang Portable RMX	Grapevine, TX	TXG112612
RN110836574	Humble RMX	Humble, TX	TXG112536
RN110461472	Baytown RMX	Baytown, TX	TXG112367
RN111018677	Golden Pass Portable RMX	Sabine Pass, TX	TXG112636
RN110951696	Synergy 400 Portable -Operator	Fort Worth, TX	TXG112619

Accordingly, LMC will maintain adequate records to document activities related to noncompliance under enforcement discretion, including details of LMC’s best efforts to comply. If you have any questions, please give me a call at 469-260-8561.

Sincerely,

Marilyn Jones
Environmental & Land Manager

From: Marilyn Jones <[REDACTED]>
Sent: Tuesday, April 7, 2020 1:49 PM
To: Randy Ammons <randy.ammons@tceq.texas.gov>
Cc: OCE <OCE@tceq.texas.gov>
Subject: Re: Covid-19 Related Request for Enforcement Discretion

Please see attached revised letter with requested information.

Thanks
Marilyn Jones

On Mon, Apr 6, 2020 at 2:10 PM Randy Ammons <randy.ammons@tceq.texas.gov> wrote:

Good morning Ms. Jones.

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

Your request for enforcement is not complete and we will need additional information.

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

TXG110000 – General Permit to Discharge Stormwater and Wastewater (Concrete Batch Plants)

TXR05 –General Permit to Discharge Stormwater Under the TPDES

Please let us know for which facilities you are requesting enforcement discretion, rule citation(s) or permit provision(s) for which enforcement discretion is being requested and anticipated duration of the need for enforcement discretion. Please be specific on the rule citation(s) or permit provision(s).

Once we receive this information, we will be able to more appropriately review your request.

Regards

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

From: Marilyn Jones <[REDACTED]>
Sent: Friday, April 3, 2020 3:21 PM



LATTIMORE MATERIALS CORP

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April 3, 2020

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

Re: Enforcement Discretion related to Covid 19

Mr. Garcia

Lattimore Materials Corp (LMC) is writing you to request that the Texas Commission on Environmental Quality (TCEQ) exercise enforcement discretion for certain environmental activities while precautionary procedures related to the COVID-19 virus responses are in effect by federal and state governments.

Lattimore Materials Corp (LMC) is a construction materials company with locations in Texas. Specifically, LMC supplies aggregates and ready-mix concrete to both private and public entities performing construction related projects.

To comply with various requirements addressing the COVID-19 virus response, LMC has implemented its social distancing policies for its employees and limited the movement of personnel between facilities to prevent the spread of the COVID-19 virus. As a result, LMC employees and third-party contractors responsible for conducting certain environmental activities are no longer available at sites as needed to effectively oversee daily and monthly compliance regimes. Concomitantly, restrictions have been put in place at third party vendors and labs which further impact compliance programs.

Accordingly, our operations are only using essential personnel to keep operations running and performing activities such as environmental monitoring and reporting requirements associated with several of our environmental permits. LMC notes that the U.S. Environmental Protection Agency ("US EPA") published a memorandum outlining how it shall exercise enforcement discretion for noncompliance covered by this temporary policy and resulting from the COVID-19 pandemic.

In light of the current situation we see in Texas and throughout the United States, we are anticipating that a return to normal operations and normal compliance activity may take up to six months and therefore request this duration for needed enforcement discretion.

Please extend enforcement discretion to all of LMC facilities (CN603943606) with active TXG110000 and TXR050000 permits. LMC is seeking enforcement discretion for the following:

TXG110000 – General Permit to Discharge Stormwater and Wastewater (Concrete Batch Plants)

Part IV – Standard Permit Conditions



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TXR050000 –General Permit to Discharge Stormwater Under the TPDES.

Part III, Section B – Periodic Inspections and Monitoring

- 2 –Routine Facility Inspections
- 3 – Quarterly Visual Monitoring
- 4 - Water Quality Monitoring

Accordingly, LMC will maintain adequate records to document activities related to noncompliance under enforcement discretion, including details of LMC’s best efforts to comply. If you have any questions, please give me a call at 469-260-8561.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn Jones". The signature is written in a cursive, flowing style.

Marilyn Jones
Environmental & Land Manager

To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>

Subject: Covid-19 Related Request for Enforcement Discretion

Please see attached request Letter.
Thank you.

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Marilyn Jones
Environmental and Land Manager
Lattimore Materials Corp
15900 Dooley Road
Addison, TX 75001
Phone: 469-957-4028
Mobile: 469-260-8561
Fax Number: 214-379-1816
Email: [REDACTED]

www.materialsthatperform.com

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April 3, 2020

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In light of the current situation we see in Texas and throughout the United States, we are anticipating that a return to normal operations and normal compliance activity may take up to six months.

LMC is seeking enforcement discretion for the following:

Monitoring/Reporting

TXG110000 – General Permit to Discharge Stormwater and Wastewater (Concrete Batch Plants)

TXR05 –General Permit to Discharge Stormwater Under the TPDES.



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Sincerely,

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Marilyn Jones
Environmental & Land Manager