

**From:** [Jonathan Walling](#)  
**To:** [Glenda D Swierc](#)  
**Cc:** [OCE](#); [Preston W Bailey](#); [Clayton Curtis](#)  
**Subject:** Request for Enforcement Discretion Due to Delays Caused by COVID Pandemic - VCU Performance Testing- Moda  
**Date:** Tuesday, May 12, 2020 2:03:52 PM  
**Attachments:** [TCEQ letter enforcement discretion request delay VCU performance test 2020-05-12.pdf](#)

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Good afternoon, Ms. Swierc:

Your request for enforcement discretion, as presented, relating to emissions performance testing requirements in 40 CFR §60.8(d), Special Condition No. 26 of TCEQ Permit No. 122362, and PSDTX1430 of the Marine Loading Vapor Control Units at Moda Ingleside Energy Center in Ingleside (San Patricio County) is approved with the following qualifications:

- Enforcement Discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability enforce federal regulations;
- This enforcement discretion will be in effect until June 12, 2020. The required tests should be conducted as soon as practicable before this date, as conditions allow. Documentation of the tests must be submitted to the TCEQ Corpus Christi Region Office within 60 days of completing the tests; and
- Should an extension beyond this be needed, please submit a request to extend this date.

Regards,

Jonathan Walling, Area Director  
Coastal & East Texas Area  
Texas Commission on Environmental Quality

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**From:** Glenda D Swierc <[REDACTED]>  
**Sent:** Tuesday, May 12, 2020 8:09 AM  
**To:** Kelly Ruble <[kelly.ruble@tceq.texas.gov](mailto:kelly.ruble@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Preston W Bailey <[REDACTED]> Clayton Curtis <[REDACTED]>  
**Subject:** Request for Enforcement Discretion Due to Delays Caused by COVID Pandemic - VCU Performance Testing

Dear Mr. Ruble and Mr. Garcia,

Moda Ingleside Energy Center (MIEC) is submitting this letter to request Enforcement Discretion concerning meeting the 180-day post commissioning time-frame associated with conducting Emissions Performance Testing of our new Marine Loading Vapor Control Units (VCUs). The delay in performance testing is associated with the current COVID-19 pandemic, and its negative impacts on personnel and travel, along with required social distancing.

We originally submitted the Notice of Performance Testing for our new VCUs (VCU-5, VCU-6 and VCU-7) on March 10, 2020, as required in Special Condition (SC) No. 26 of Air Permit No. 122362, PSDTX1430, and as included in 40 CFR Part 60.8(d). We expected testing to be completed the week of May 4th, 2020, as described in our original notice. Due to the COVID pandemic, this expected time frame was not achieved.

We are moving forward with testing the week of May 11, 2020 but are unsure as to whether all three VCUs can be tested within the timeframe needed, therefore are requesting enforcement discretion, as appropriate (the VCUs were originally commissioned Nov. 14 and 15, 2019).

We have been in contact with the TCEQ Region 14 Emissions Evaluator, Trent Pinion, and he is aware of the situation.

MIEC will continue to move forward with testing of the VCUs to establish minimum operating temperatures, as described in SC No. 26. A copy of the test protocol, developed by John Zink Hamworthy Combustion Air Source Testing, was previously enclosed with our original notice of testing. Results of the tests will be submitted to TCEQ within 60-days of completion.

Please confirm receipt of our enforcement discretion request, and do not hesitate to contact me at 361-776-5917 or by e-mail at [REDACTED] if you have any questions or concerns regarding this request.

Sincerely,

Glenda

**Glenda Swierc, MS, CHMM**

**Environmental Manager**

Moda Ingleside Energy Center

1450 Lexington Blvd., Building 300, Ingleside, Texas 78362

Office 361-776-5917 Mobile 361-945-0941



MODA

Moda Ingleside Energy Center



1450 Lexington Blvd., Bldg. 300  
Ingleside, TX 78362

May 12, 2020

**CERTIFIED  
RETURN RECEIPT REQUESTED**

Mr. Kelly Ruble  
Air Section Manager  
TCEQ Region 14  
NRC Bldg, Ste 1200  
6300 Ocean Dr. Unit 5839  
Corpus Christi, TX 78412-5839  
361-825-3100

RE: Notice of Emissions Performance Testing Delay Due to COVID-19  
Request for Enforcement Discretion  
Marine Loading Vapor Control Units (VCU)-5, VCU-6, and VCU-7  
Permit Numbers: 122362 and PSDTX1430  
Moda Ingleside Energy Center  
Ingleside, San Patricio County  
Regulated Entity Number: RN101225746

Dear Mr. Ruble,

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MODA

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Sincerely,

Glenda Swierc  
Environmental Manager  
Moda Ingleside Energy Center, LLC

**Cc: via email**

Ramiro Garcia, Deputy Director, TCEQ Compliance and Enforcement:

[Ramiro.Garcia@tceq.texas.gov](mailto:Ramiro.Garcia@tceq.texas.gov)

[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)

Kelly Ruble, Air Section Manager, TCEQ Region 14:

[Kelly.Ruble@tceq.texas.gov](mailto:Kelly.Ruble@tceq.texas.gov)

Clayton Curtis, VP, Regulatory Affairs, Moda:

[REDACTED]

Preston Bailey, Terminal Manager, MIEC:

[REDACTED]