

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: Enforcement Discretion Request - NSR Renewal Permit No 17210 (CN603418831)
Date: Wednesday, April 15, 2020 3:31:58 PM
Attachments: [image001.png](#)
[190930 - FVW - Permit No 17210 Renewal Notification.pdf](#)

Good afternoon, Mr. Harbour:

The TCEQ has evaluated your request for enforcement discretion relating to the delayed submittal for renewal of NCI Group's New Source Review Permit No. 17210. In lieu of TCEQ granting enforcement discretion, it is preferable that NCI Group utilize an exception for the renewal deadline, found in 30 TAC 116.315(b). This exception, if approved, will allow for the renewal application to be submitted up to, but no later than October 11, 2020, the expiration date of your permit.

This exception may be found here : [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=116&rl=315](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=116&rl=315)

To seek approval for this exception, please contact Mr. Samuel Short, TCEQ Air Permits Division Director, at samuel.short@tceq.texas.gov.

Regards,

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

From: Todd Harbour <[REDACTED]>
Sent: Tuesday, April 14, 2020 4:37 PM
To: OCE <OCE@tceq.texas.gov>
Cc: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: Enforcement Discretion Request - NSR Renewal Permit No 17210 (CN603418831)

To Whom It May Concern:

Please accept this request for enforcement discretion for delayed submittal of an NSR permit renewal for TCEQ Permit No 17210 (CN603418831 – NCI Group, Inc.) due April 14, 2020 because of impacts from the COVID-19 pandemic.

We respectfully request this discretion due to the following resource interruptions:

Houston Offices Closure: On March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to take measures to reduce the possibility of exposure to COVID-19, which was followed by a Declaration of State of Disaster issued by Texas Governor Abbott on March 13, 2020 for the same. NCI Group, Inc.'s (a subsidiary of Cornerstone Building Brands, Inc.) Houston offices were closed at that time and essential workers (including EHS staff) were required to work remotely with limited resources. Staff is currently not able to access data files and other information stored at NCI's offices to complete the renewal application. Staff also is not able to access printers, scanners and other office equipment to prepare portions of the applications, such as maps, drawings, etc.

due to Harris County's stay at home order and to minimize risk to human health.

EHS Human Resources Deployment: Effective March 6, NCI's EHS staff was consigned to assisting the Company with its response to the COVID-19 pandemic, including developing safe work policies, procedures and guidance to minimize the organization's COVID-19 risk and protect 16,000 manufacturing employees in their work environment. Staff is also providing assistance to the Company for temporary and permanent facility closures throughout North America due to state shutdown orders and furloughs due to loss of business.

Reduced EHS staff: EHS staff for NCI was reduced by a third on March 9, 2020.

These circumstances were unanticipated and unavoidable due the pandemic, and fell into the 30 days staff would be preparing and completing the permit renewal application.

We anticipate being able to complete and submit the renewal application 10 business days after NCI's Houston offices can be safely reopened with the expiration of Governor Abbott's and Judge Hidalgo's declaration and stay-home order.

Delayed submittal of the permit renewal application will not impair NCI's ability to comply with the permit's conditions.

Your consideration is appreciated. Please let me know if you require any further information regarding this situation.

Thank you,

Todd D. Harbour
Vice President, Environmental Affairs

T: 281.897.7788

D: 281.302.1765

M: 281.299.5746

E: [REDACTED]



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 30, 2019

MR TODD HARBOUR
VICE PRESIDENT ENVIRONMENTAL AFFAIRS
NCI GROUP INC
PO BOX 692055
HOUSTON TX 77269-2055

Re: Permit Renewal Notification

Dear Mr. Harbour:

Section 382.055 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, and Title 30 Texas Administrative Code (30 TAC) § 116.314(a), requires the Texas Commission on Environmental Quality to notify the permit holder when a permit is scheduled for renewal. Please apply for review of your permit renewal no later than April 14, 2020 using the application form available at the Web address below. Failure to submit your application prior to the expiration date may result in expiration of this permit.

Company Name - NCI Group, Inc.
Customer Reference No. - CN603418831
Regulated Entity No. - RN100213545
Permit No. - 17210
Permit Expiration Date - October 11, 2020

If Permit Number 17210 is no longer needed (e.g.; permit consolidation, plant dismantled or shutdown, etc.) then complete a void request worksheet (Form No. 20569). Please furnish all information as indicated in the forms and instructions. You will need to submit an application for a permit renewal which can be found at the Texas Commission on Environmental Quality (TCEQ) Web site: www.tceq.texas.gov/permitting/air/guidance/newsourcereview/nsrapp-tools.html. After receipt of a completed application, you will be notified of the requirements and procedures for public notification. You may disregard this notification letter if a renewal application has been submitted and is currently being processed.

Mr. Todd Harbour
Page 2
September 30, 2019

Re: Permit Renewal Notification

If we may be of any assistance to you in this matter, you may contact the staff of the Air Permits Initial Review Team or you may contact me at (512) 239-1250.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny D. Bowers", with a long horizontal flourish extending to the right.

Johnny D. Bowers, Team Leader
Air Permits Initial Review Team
Air Permits Division
Texas Commission on Environmental Quality

JDB/mg

cc: TCEQ Regional Air Quality Manager, Region 12
TCEQ Air Permits Initial Review Team (MC-161)
TCEQ File Room (MC-198)