

From: [David Ramirez](#)
To: [Schwartzengraber, Faithe](#)
Cc: [Ramiro Garcia](#); [Anita Keese](#); [OCE](#)
Subject: RE: NuStar Logistics LP El Paso Terminal EE-1339-R RN102285871-2019 Emission Inventory Enforcement Discretion Request
Date: Friday, June 26, 2020 3:31:30 PM

Good afternoon Ms. Schwartzengraber:

The TCEQ has reviewed your request for enforcement discretion. It has been determined that the appropriate course of action is for your extension request to be reviewed and considered by the TCEQ's Air Quality Division, under provisions of 30 TAC §101.10, as opposed to enforcement discretion from the TCEQ's Office of Compliance & Enforcement under provisions of 30 TAC §116.115(c).

Please contact Maria Facundo with the Air Quality Division at 512-239-1182 or at mary.facundo@tceq.texas.gov for additional assistance.

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

From: Schwartzengraber, Faithe <[REDACTED]>
Sent: Wednesday, June 24, 2020 5:27 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Cc: Schwartzengraber, Faithe <[REDACTED]>
Subject: NuStar Logistics LP El Paso Terminal EE-1339-R RN102285871-2019 Emission Inventory Enforcement Discretion Request

Mr. Ramiro:

NuStar Logistics, LP owns and operates the El Paso Refined Product Terminal located in El Paso, County Texas (RN102285871). NuStar is requesting enforcement discretion from your Office of Compliance and Enforcement (OCE). NuStar respectfully requests an extension for the updated submittal of the 2019 Annual Emission Inventory for El Paso Refined Product Terminal. An Insignificant Change Letter was submitted to Mr. Kevin Cauble February 7, 2020. NuStar received an email dated May 14, 2020 from Mary Facundo indicating the insignificant change notification letter could not be accepted due to the site was above 5% (or 5 tons) during the 2019 calendar year. NuStar responded indicating a review of the data would be conducted and an updated submittal of the inventory for El Paso would follow. Unfortunately, timely response between field employees and regional personnel have been challenged due to the recent COVID-19 pandemic. The Central West North (CWN) Regional support office has been shut in, and remains shut in. Access to hard copy records is delayed. In addition, NuStar is currently in the process of retiring the WebEI database and building a new compliance database with Gensuite leading the Air Module build out.

Furthermore, we discovered a calculation error within the WebEI database and attempted to correct it, however, support is limited due to staff remotely working. We elected to request third party assistance in determining the error and assist in correcting this. NuStar firmly believes this can be corrected and

reflect updated emission data for submittal.

Concise Statement Supporting Request for Enforcement Discretion

The updated submittal of the 2019 Emission Inventory has been delayed due to COVID-19 and the regional office continuing to engage in remote work. NuStar continues to troubleshoot the electronic database that maintains our emission data for this asset. However, due to challenges with remote work, response time is delayed.

Anticipated duration of need for enforcement discretion

The duration of the COVID-19 disruption to Texas is unknown at the current time. NuStar respectfully requests 30-day extension for this updated Emission Inventory submittal to TCEQ and the STEERS database. NuStar has reached out to third party consultant to provide assistance in correcting the database. NuStar maintains that this can be corrected and submitted within 30 days of the date of this request.

Citation of rule / permit provision for which enforcement discretion is requested

NuStar requests enforcement discretion from 30 TAC §116.115(c) which states “holders of permits, special permits, standard permits, and special exemptions shall comply with all special conditions contained in the permit document.” 30 TAC 101.10 requires an annual emission inventory for major facility sources/ or any account in ozone non- attainment area, accounts that emit 0.5 tpy of lead, accounts that emits or PTE emit 100 tpy of any contaminate, or 10 single or 25 tpy of aggregated hazardous air pollutants.

Thank you,



E. Faithe Schwartzengraber
Environmental Manager-Central West North Region

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