

From: [Randy Ammons](#)
To: [REDACTED]
Cc: [OCE](#); [Ramiro Garcia](#); [Randy Ammons](#)
Subject: RE: Owen's Corning Enforcement Discretion Guidance
Date: Wednesday, July 29, 2020 3:13:22 PM
Attachments: [Owens Corning. Amarillo TX. Stack Test Rescheduling Letter 7.27.2020 \(Austin TCEQ\).pdf](#)

Good afternoon Mr. Himic.

This is in response to your July 28, 2020 request for enforcement discretion regarding source emission testing for the Owens Corning Amarillo Plant 10-1 and 10-2 furnaces due to COVID-19. Owens previously requested discretion for this testing through August 3, 2020 and that request was approved. Due to restrictions still in place, Owens Corning is requesting discretion to postpone this testing until May/June 2021. Since the furnace is scheduled to shut down from September 2020 until April 2021 with maximum production not reached until May/June 2021, enforcement discretion is approved through May 31, 2021. Owens Corning should schedule and complete this testing as soon as practicable once maximum production is reached and no later than May 31, 2021. If, for some reason, this testing cannot be performed by that time, you may send another request documenting specific reasons for the request.

The TCEQ is committed to working with you as we respond to the COVID-19 pandemic.

If you have any questions or if new information becomes available, please feel free to contact us at any time.

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.

Please continue to keep us updated as conditions change.

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

Regards,

Randy J. Ammons, Director
North Central and West Texas Area
Texas Commission on Environmental Quality

From: Himic, Matthew F <[REDACTED]>
Sent: Tuesday, July 28, 2020 1:38 PM
To: Andrew Speigel <Andrew.Speigel@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Eddy Vance <eddy.vance@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Cc: Omar Cano <Omar.Cano@Tceq.Texas.Gov>; Saied Ashraf <saied.ashraf@tceq.texas.gov>; Sandridge, Jay <[REDACTED]> Pepper, Jeremy

<[REDACTED]>

Subject: RE: Owen's Corning Enforcement Discretion Guidance

Dear Sirs-

Please find the attached reschedule notification and Enforcement Discretion Request for Source Emission Testing planned at the Owens Corning Facility in Amarillo, Texas. Continued restrictions created by the COVID-19 pandemic prevent this from being safely performed. Owens Corning is requesting to reschedule this testing to occur at a TBD date in Q2-2021. A physical letter is also being mailed in duplicate via USPS.

Please let me know if there are any further actions required for this request.

Thank You.

-Matt Himic
Environmental, Health and Safety Leader
Owens Corning
1701 Hollywood Road
Amarillo, Texas 79110
[REDACTED]
(806) 622-4278

From: Sandridge, Jay
Sent: Friday, July 24, 2020 6:59 AM
To: Andrew Speigel <Andrew.Speigel@tceq.texas.gov>; Saied Ashraf <saied.ashraf@tceq.texas.gov>
Cc: Omar Cano <Omar.Cano@Tceq.Texas.Gov>; Himic, Matthew F
<[REDACTED]>
Subject: Re: Owen's Corning Enforcement Discretion Guidance

From: Andrew Speigel <Andrew.Speigel@tceq.texas.gov>
Sent: Wednesday, July 22, 2020 2:16:43 PM
To: Sandridge, Jay <[REDACTED]> Saied Ashraf
<saied.ashraf@tceq.texas.gov>
Cc: Omar Cano <Omar.Cano@Tceq.Texas.Gov>
Subject: Owen's Corning Enforcement Discretion Guidance

Sandridge,

Thank you for the call this afternoon. In our conversation, you voiced concern about COVID-19 and bringing personnel into your facility during this time of increased risk to health and safety. You requested guidance on delaying/rescheduling Owens Corning's annual testing which is set to occur in August 2020. You requested a delay in testing until May 2021 to evaluate conditions both for COVID-19 and production reasons. I found the

request acceptable, but I want to ensure proper authorization is given by the TCEQ Amarillo Regional office and TCEQ's current COVID-19 guidance. Please follow the following guidance for the rescheduling request and Enforcement Discretion because you would not meet testing requirements of your permit:

Notifications

For any testing currently scheduled, which may be interrupted, I recommended submitting reschedule notifications to the Regional Air Section Manager. If it is unknown when the reschedule will be performed, a temporary "TBD" may be designated in the interim, but consistent with the applicable regulations set forth in 40 CFR 60.8(d), submit another reschedule notification at least 7 days prior to the new test date. TCEQ will follow this standard for *most* all other test drivers, State and Federal. This is not a new policy. If the rescheduled date will cause the test to exceed any compliance timeframes, then enforcement discretion may also be requested, see below.

Enforcement Discretion Requests

Below is the TCEQ guidance related to requests for enforcement discretion due to adverse impacts from COVID-19. This is intended to address situations in which a regulated entity expects to become non-compliant because it cannot meet required regulatory time frames.

"With the onset of COVID-19 (coronavirus) and the Governor's Proclamation of a state of disaster in Texas, the TCEQ is aware that regulated entities may be experiencing an impact from a reduced workforce necessary to maintain normal operations at some facilities.

All regulated entities are encouraged to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Texans and the environment. However, in the instance that noncompliance is unavoidable directly due to impact from the coronavirus, an email box has been established by TCEQ to accept requests for potential enforcement discretion. Regulated entities should email both OCE@tceq.texas.gov and Ramiro.Garcia@tceq.texas.gov with specific information related to enforcement discretion requests. The OCE email box is monitored daily by multiple TCEQ staff who will ensure the requests are expeditiously addressed. The TCEQ's goal is to provide a response to the regulated entity's request within 24 to 48 hours.

The email should at a minimum include the following:

- *Concise statement supporting request for enforcement discretion*
- *Anticipated duration of need for enforcement discretion*
- *Citation of rule / permit provision for which enforcement discretion is requested*
- *Regulated entities must maintain records adequate to document activities related to the noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply.*

Any questions regarding this guidance should be directed to the OCE email box and a response will be provided."

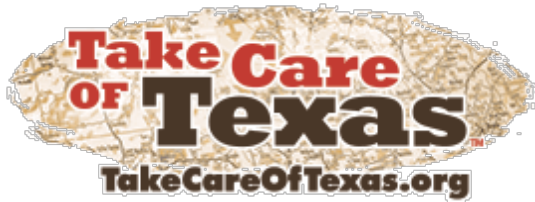
Please refer to our COVID-19 response website for other compliance issues which you may encounter: <https://www.tceq.texas.gov/response/covid-19/tceq-preparedness-responsibilities-covid-19>

As always, please feel free to contact me with any further questions, comments, or concerns.

Best,

Drew Speigel
TCEQ Emissions Evaluator
Amarillo – Lubbock – Abilene – San Angelo

Lubbock Office: (806)796-7621
andrew.speigel@tceq.texas.gov



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Translations available: <http://www.owenscorning.com/emailfooter.html>



July 27, 2020

Mr. Ramiro Garcia, Jr.
Deputy Director, Office of Compliance and Enforcement
Texas Commission on Environmental Quality, MC-172
P.O. Box 13087
Austin, Texas 78711-3087

Re: Rescheduled Stack Testing for the 10-01 and 10-02 Furnaces
Owens Corning – Amarillo, Texas (Randall County) Facility
RN 100222140, CN 600124838, Acct # RB-0010-D

Dear Mr. Garcia,

Due to the current Covid-19 pandemic, we are again requesting to reschedule our Source Emission Testing for the Owens Corning Amarillo Plant 10-01 and 10-02 Furnaces. Testing was planned for the week of August 3rd, 2020, and we are requesting to reschedule this testing until approximately June 2021.

You may be aware that the Owens Corning–Amarillo 10-01 Furnace is scheduled to shut down in September 2020 for rebricking and repair. The furnace is not scheduled to restart until at least April 2021 and will not reach maximum production until the May/June 2021 timeframe. Once the rebricking is complete and the furnace is back online, we will proceed with Emissions stack testing per our permit requirements.

This request was discussed with Mr. Speigel from the Lubbock TCEQ office on July 22, 2020, and he is agreeable with this postponement. Mr. Speigel confirmed that following the social distancing guidelines during Source Emission Testing would be difficult, and it's unlikely that a State representative would be able to attend or observe the testing.

We have updated the Regulatory Relief Notification to reflect this change:

**The Owens Corning Amarillo Facility (CN600124838, RN100222140)
Novel Coronavirus (COVID-19) Response and Regulatory Relief**

In connection with the rapid spread of the COVID-19 pandemic, this letter informs the agency of postponement of Source Emissions Testing at the Owens Corning facility located in Amarillo Texas, and notifies the agency that Owens Corning may require temporary relief from certain provisions of statutes, rules, orders, and permits during the foreseeable future in an effort to minimize risk of exposure and otherwise respond to COVID-19.

Owens Corning is committed to the safe and environmentally responsible operation of its facilities, and has implemented a temporary suspension plan designed to protect human health and the environment while limiting certain on-site activities by personnel as part of Owens Corning's larger COVID-19 response. In order to achieve this goal, some periodic sampling, testing, recordkeeping and reporting activities can and should safely and responsibly be deferred during the present phase of the response.

Key in this notification is the recognition that many employees and consultants will not be reporting daily to their normal workplaces and will not be traveling to facility locations, and in some locations may not be able to travel out of their homes except for essential activities. Even though we are prepared for many of our personnel to work remotely, it is unprecedented, and in some cases, impossible, to carry out certain work via remote communications.

Set forth below is a non-exclusive list of provisions and activities identified by Owens Corning to date, for which Owens Corning may seek necessary relief to enable Owens Corning's COVID-19 response at the Amarillo facility. This list likely will be revised as the response develops. Owens Corning does not plan to request relief or exemptions for each specific item below, but will evaluate and inform the agency as possible as Owens Corning's response progresses.

1. Periodic certification and reporting:
 - a. Deferred filing of periodic reports
 - b. Filing of reports without the normal signatures (where plant manager or formal designee is unavailable)
2. Deferred permit renewal applications for expiring permits
3. Air sampling and monitoring:
 - a. Deferred air sampling and control device monitoring
 - b. Deferred filing of periodic reports
 - c. Delayed reporting
4. Effluent sampling and reporting:
 - a. Deferred sampling and testing
 - b. Deferred filing of periodic reports
 - c. Late lab turn-around time on sample results
 - d. Missed hold-time on samples
 - e. Delayed reporting
5. Hazardous waste accumulation:
 - a. Deferral of waste movements beyond time limits
 - b. Delayed reporting
 - c. Delayed hazardous waste storage area inspections
6. Spill prevention, control, and countermeasures:
 - a. Delayed inspections
7. EPCRA and SARA reporting:
 - a. Delayed reporting
8. Soil or groundwater remediation:
 - a. Delayed sampling events
 - b. Delayed reporting]
 - c. Delayed implementation of investigation or remediation activities
9. Stack tests:
 - a. Late stack test
 - b. Delayed reporting

Specifically, Owens Corning's Amarillo facility, Air Quality Permit 5042 and PSDTX844M2 Special Condition 27 "Demonstration of Continuous Compliance" requires stack sampling every two years. Sampling must occur within 60 days of the anniversary of the previous test. Testing would originally have been required to be completed by May 12, 2020 and was initially scheduled for April 13, 2020. Owens Corning previously submitted a Regulatory Relief Notification letter, which indicated stack testing would be moved to the week of August 3rd. Due to the continued impact of the COVID-19 crisis,

it is not feasible to complete the stack testing in this timeframe. Owens Corning is requesting to postpone the required stack testing, to occur in June 2021.

Unless requested by the Agency, we will not resubmit the test protocol submitted February 27th, 2020.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Himic". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matt Himic
EHS Leader
Owens Corning – Amarillo
P.O. Box 8000
Amarillo, Texas 79114 – 8000
806-622-4278
[REDACTED]

cc: Jay Sandridge, Owens Corning, Amarillo, TX
Mindy Kairis, Owens Corning, Toledo, OH
Drew Spiegel, TCEQ, Lubbock, TX
Eddie Vance., TCEQ, Amarillo, TX