

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: COVID-19 Discretion Request - NSR Permit No. 144239, RN109503698, CN600130645_ Praxair
Date: Tuesday, September 22, 2020 9:54:56 AM

Good morning Tekeshia Jones:

Your request for enforcement discretion relating to stack testing on the HyCO fired heater (EPN: HyCo-HTR), as required by Special Condition 12.E of New Source Review Permit 144239, at Praxair's Clear Lake facility is approved and will be valid until November 19, 2020. The required activity must be completed as soon as practicable and as conditions allow, by this date.

Regulated entities must maintain records adequate to document activities related to any noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply.

Regards,

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

From: Tekeshia Jones <[REDACTED]>
Sent: Saturday, September 19, 2020 4:41 PM
To: OCE <OCE@tceq.texas.gov>
Cc: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: COVID-19 Discretion Request - NSR Permit No. 144239, RN109503698, CN600130645

To Whom It May Concern:

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Praxair is seeking enforcement discretion/an extension to the applicable time frame to conduct a stack test on the HyCO Fired heater (EPN: HyCo-HTR) due to Covid-19 conditions resulting in reduced operating rates.

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On May 21, 2020, an initial stack test was timely performed at Praxair's Clear Lake, TX facility when the operating rate was at/above the 90% operating rate requirements. However, the results showed exceedances of the applicable requirements in the NSR permit relating to hourly PM10 and PM2.5 emission limit for the Fired Heater. The underlying cause of the elevated emission rate is due to error introduced by the sampling contractor and the sample collection procedures since the unit, by design, burns only natural gas or similar fuel. Praxair has already discussed the results of the erroneous stack with TCEQ separately.

Unfortunately, the stack test report was not available till June 29, 2020. The third-party contractor

explained the delay in reporting the failed PM test results as due to its being adversely impacted by COVID-19 in June and July.

Praxair operating rates were below the 90% required to conduct stack testing after receipt of the initial and stack test results on June 29, 2020, and the plant remained under the required 90% operating rate for the duration of July, which exceeded our 60-day stack testing window (May 7-July 7, 2020). Decreased operating rates are the direct result of reduced customer demand related to COVID-19 impacts.

Praxair respectfully requests a 120-day extension from TCEQ office of Compliance and Enforcement to complete the PM compliance stack test. It is anticipated that plant operating rates will be consistently high enough during this period, so by or before November 19, 2020, to schedule and complete the testing.

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

- New Source Review Permit No.144239, Special Condition 12.E
- *“Sampling shall occur within 60 days after achieving the maximum operating rate, but no later than 180 days after initial start-up of the facilities and at such other times as may be required by the TCEQ Executive Director. Requests for additional time to perform sampling shall be submitted to the appropriate regional office”*

Kind Regards,
Tekeshia Jones
Environmental Specialist
[REDACTED]
Office Phone: 281-478-1564
Mobile Phone: 281-309-7685



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