

From: [David Ramirez](#)
To: [Richard Herdt](#)
Cc: [Dathan Voelter](#); [Brian Vinson](#); [Nate Sing](#); [Ramiro Garcia](#); [Anita Keese](#); [OCE](#)
Subject: RE: Stack test extension Atlas Sands
Date: Wednesday, July 15, 2020 12:06:41 PM

Good afternoon Mr. Herdt,

The TCEQ has received your request for enforcement discretion for a delay of stack testing for Atlas Sand under PBR No. 158008 and 158007. Specifically, you have requested:

- A one year extension beyond August 15, 2020 to conduct stack testing under PBR No. 158008 (Atlas 2/RN109954511) and PBR No. 158007 (Atlas 1/RN109897975) owned and operated by Atlas Sand Company LLC (CN605406776) to ensure compliance with 40 CFR 60.732 and 40 CFR 60.8.

Your request is approved in accordance with the representations in your request, however, it is only approved until **September 30, 2020**. This required activity should be completed as soon as practicable, as conditions allow, before this date and should the stack testing activities not be completed by the approved date, please re-submit your request for further consideration. This discretion is limited to the Texas Commission on Environmental Quality and does not limit EPA's ability to enforce federal regulations.

As a reminder, 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.

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

From: Richard Herdt <[REDACTED]>
Sent: Tuesday, July 14, 2020 10:17 AM
To: David Ramirez <david.ramirez@tceq.texas.gov>
Cc: Dathan Voelter <[REDACTED]> Brian Vinson <[REDACTED]> Nate Sing <[REDACTED]>
Subject: Stack test extension Atlas Sands

To David Ramirez,

On May 14, 2020 Atlas Sand Company, LLC received an e-mail addressed to Brian Vinson stating that its extension for stack testing had been approved through August 15, 2020. The email also stated that if an additional extension is needed please re-submit for an additional period. With this email, Atlas Sand is requesting another extension for one year beyond August 15, 2020, once again due to

the negative impact that COVID-19 continues to have on the oil and gas industry and the resulting downturn that keeps our output at a fraction of the permitted limits. With production at these reduced volumes it remains likely that we would have difficulty meeting the minimum run hours for the test. Atlas Sand commits to staying within the limits defined under our NSR permits No. 149761 issued on 6/29/18 and 150399 issued on 6/29/18.

Should any changes occur in our industry that would allow for our increased production, we would notify the TCEQ in writing of our intent to resume the production rates allowed under PBR No. 158008 (Atlas 2 / RN109954511) and PBR No. 158007 (Atlas 1 / RN109897975) owned and operated by Atlas Sand Company, LLC (CN605406776) to ensure compliance with 40 CFR 60.732 and 40 CFR 60.8.the PBRs listed above along with our stack testing schedule.

Again the rule citations for which we are requesting an extension of 1 year are 40 CFR 60.732 and 40 CFR 60.8.

This is being requested for both of our processing facilities whose RNs are: AT1 (for PBR #158007) is RN109897975, and AT2 (for PBR #158008) is RN109954511.

Regards,

Richard Herdt
HSE Director

610-389-5508

432-242-6946

Have A Safe Day!!!!