

From: [Randy Ammons](#)
To: MooreJ@trinityra.org
Cc: [OCE](#); [Ramiro Garcia](#); [Craig Pritzlaff](#)
Subject: RE: Pandemic Enforcement Discretion Request - TPDES Permit #WQ0010303001 (Pretreatment)
Date: Monday, January 4, 2021 1:07:03 PM

Ms. Moore,

This is in response to your email and attached letter dated January 4, 2021, requesting enforcement discretion. TRA is requesting discretion for not having conducted sampling at Richemont North America, Inc. during the last 6 months of the year due to COVID-19 restrictions. The TCEQ is exercising enforcement discretion on a case by case basis for regulated entities due to the COVID-19 pandemic. This correspondence will serve as approval of enforcement discretion as detailed in your letter.

Please let us know if we can be of any additional assistance.

Regards,

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

From: Jennifer Moore <MooreJ@trinityra.org>
Sent: Monday, January 4, 2021 11:00 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: molina.rudy@epa.gov; David Galindo <david.galindo@tceq.texas.gov>; Erika Crespo <Erika.Crespo@tceq.texas.gov>; Brent Candler <brent.candler@tceq.texas.gov>; Patty Cleveland <ClevelandP@trinityra.org>; John Bennett <BennettJ@trinityra.org>; Cynthia Robinson <robinsonc@trinityra.org>; Natalie Taylor <taylorn@trinityra.org>
Subject: RE: Pandemic Enforcement Discretion Request - TPDES Permit #WQ0010303001 (Pretreatment)

Attached is the Trinity River Authority of Texas (TRA) transmittal letter requesting enforcement discretion related to the TRA's Central Regional Wastewater System's Approved Pretreatment Program for TPDES permit #WQ0010303001.

Thanks,
Jennifer Moore

Jennifer I. Moore
Trinity River Authority of Texas
Sr. Manager, Systems Operations and Maintenance
5300 S. Collins
Arlington, Texas 76018
817-493-5145 (office)

469-446-2121 (cell)



3110.615/January 04, 2021

Mr. Ramiro Garcia
Deputy Executive Director
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78711-3087

Re: Trinity River Authority of Texas
Central Regional Wastewater System
TPDES Permit No. WQ0010303001

Dear Mr. Garcia:

This letter is being submitted to the Texas Commission on Environmental Quality (TCEQ) by Trinity River Authority of Texas (TRA) regarding Texas Pollutant Discharge Elimination System (TPDES) permit non-compliance for the Central Regional Wastewater System (CRWS) approved pretreatment program. This letter requests enforcement discretion for one instance where non-compliance was unavoidable due to impacts from the COVID-19 pandemic for the 2019-2020 pretreatment year. This notification was inadvertently not provided earlier in 2020. TRA appreciates TCEQ's review of this instance of non-compliance to determine if eligible for enforcement discretion.

In keeping with previous submissions, TRA and its Contracting Parties (CPs) have documented unavoidable instances of program non-compliance on the attached form, which has been tailored to provide specific details of the non-compliant occurrence in question. This form is included as Attachment 1 to this letter. TRA is requesting enforcement discretion from TCEQ for this one occurrence, which is summarized below:


CRWS Pretreatment Program

1. City of Fort Worth
 - a. One occurrence for permit required semi-annual sampling could not be conducted by the City due to continued suspension of industry's production and discharge, as well as public health and safety requirements in place, such as limited industry staffing and social distancing restrictions. TRA requests enforcement discretion from TCEQ with regard to the CRWS TPDES permit that requires independent verification of Significant Industrial Users' compliance through sample activities

MR. RAMIRO GARCIA
January 04, 2020
3110.615
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We appreciate TCEQ's consideration of this request. Please feel free to contact me at clevelandp@trinityra.org, or Natalie Taylor, of my staff at taylornt@trinityra.org if you should have any questions or concerns.

Sincerely,

 for Natalie D. Taylor

NATALIE D. TAYLOR
Environmental Services Coordinator

CONCURRENCE:



PATRICIA M. CLEVELAND
Executive Manager
Northern Region

PMC/nt

Attachments

- c: Rudy Molina, Pretreatment Coordinator, Region 6, EPA (with attachments)
David Galindo, Director, Water Quality Division, TCEQ (with attachments)
Erika Crespo, Team Leader, Pretreatment Team, TCEQ (with attachments)
Brent Candler, Water Section Manager, Region 4, TCEQ (with attachments)
John K. Bennett, Deputy Executive Manager, Northern Region
Cynthia B. Robinson, Manager, Regulatory Resources, Northern Region
William L. Tatum, Manager, Central Regional Wastewater System
William B. Cyrus, Manager, Technical Services



**Trinity River Authority Pretreatment Division
Documentation of Anticipated Noncompliance Due to Pandemic**

This document is for the Trinity River Authority of Texas (TRA) staff or TRA Contracting Parties to document areas of the TRA Approved Pretreatment Program that will be in noncompliance due to influence from the Covid-19 Pandemic.

Name of the Contracting Party: City of Fort Worth

Part 1:

Who is the entity in noncompliance with the TRA Approved Pretreatment Program? If you select 1, 2, 3, or 4 below, proceed to Part 2. If you select 5, proceed to Part 3.

- 1. Industrial User (IU) Name of IU: _____
- 2. Significant Industrial User (SIU): Name of SIU: Richemont North America, Inc.
- 3. Dental Discharger Name of Dental Discharger: _____
- 4. Other User Name of Other User: _____
- 5. Contracting Party/TRA Name of IU or SIU this relates to: _____

Part 2:

- 1. For permitted Users, identify the specific permit provision for which the permitted IU is noncompliant. For non-permitted IUs, identify the Ordinance provision for which the non-permitted IU is noncompliant. Mark all applicable reasons in Part 4 in the "User" Table as to why compliance with the permit cannot be maintained due to the Pandemic.

City of Fort Worth Pretreatment Ordinance DIVISION 7. COMPLIANCE MONITORING AND ENFORCEMENT Section 12.5-670. Inspection and sampling

- 2. Has the Contracting Party conducted an enforcement action?

YES NO

If yes, please describe the action:

If No, please mark that reason in Part 4 as it relates to the Pandemic in the "Contracting Party" Table.

- 3. Did the User respond to the Enforcement Action?

YES NO

Regardless of how answered, please mark the reason for noncompliance in Part 4 as it relates to the Pandemic in the "User" Table.

Document further details about enforcement if necessary, here:

No Enforcement issues

Part 3:

- 1. For Contracting Parties, please identify what responsibilities related to the User you are unable to conduct as required in the Approved Pretreatment Program. In Part 4, select all applicable reasons the Contracting Party is not able to conduct oversight activities due to the Pandemic in the "Contracting Party" Table.

City of Fort Worth Environmental Ordinance, Division 7, Sec 12.5 - 670, sampling of a permitted SIU is to be conducted at least once a year. City's approved program require us to sample two times a year.

- 2. Is the Contracting Party conducting any partial or alternate procedures related to oversight activities that differ from the Approved Pretreatment Program requirement?

YES NO

If yes, please describe the action(s):

Part 4:

Please mark in the appropriate column all reasons the User could not meet permit requirements and/or all reasons the Contracting Party could not conduct oversight activities required on the Approved Pretreatment Program.

USER		
1.	<input type="checkbox"/>	Closed
2.	<input checked="" type="checkbox"/>	Operating on Reduced Staff
3.	<input checked="" type="checkbox"/>	Support Services on Reduced Staff
4.	<input checked="" type="checkbox"/>	Social Distancing Restrictions
5.	<input type="checkbox"/>	Claimed "Act of God" in Response
6.	<input checked="" type="checkbox"/>	*Other (describe below)

CONTRACTING PARTY		
1.	<input type="checkbox"/>	Closed
2.	<input type="checkbox"/>	Operating on Reduced Staff
3.	<input type="checkbox"/>	Support Services on Reduced Staff
4.	<input type="checkbox"/>	Social Distancing Restrictions
5.	<input type="checkbox"/>	Enforcement Evaluation qualified for "Act of God"
6.	<input type="checkbox"/>	*Other (describe below)

*Other Reasons:

Industry was not sampled during the last 6 months of the pretreatment year due to COVID 19 restrictions -drastic reduction, suspensions in production and discharge. Social distancing will be a challenge in this location because sample point located in the production area.

Part 5:

If necessary, use this area to further document relevant information regarding the noncompliance situation.

6/25/2020

City of Fort Worth
Contracting Party or TRA Staff Completing Form

Salye Joseph

Date