

From: [Jonathan Walling](#)
To: [Gary Fontenot](#); [Albert Matthews](#); [Kelvin Parker](#); [Tres Miller](#); [Jimmy Porter](#); [Michael Welly](#)
Cc: [OCE](#)
Subject: Enforcement Discretion Request for Union Tank Car Company - Cleveland - LH-0027-W
Date: Friday, January 8, 2021 2:24:31 PM
Attachments: [image001.png](#)

Good afternoon, Mr. Fontenot:

The TCEQ has evaluated your request for enforcement discretion relating to a permit deviation for not conducting a first quarter 2020 thermocouple audit of emission point E023, as required by TCEQ New Source Review Permit No. 6370, at Union Tank Car Company, located in Cleveland, Texas.

Based on supplemental information you have provided, it is the TCEQ's understanding that second, third and fourth quarter audits in 2020 of the thermocouples passed calibration with no anomalies and that an operational chart recorder captured no indications of non-compliance.

Based on this information, the TCEQ will exercise enforcement discretion for the first quarter non-compliance since the audit was scheduled to occur in March 2020, but cancelled due to COVID-19 related challenges.

Please maintain a copy of this correspondence for your records.

Regards,

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

From: Gary Fontenot <[REDACTED]>
Sent: Thursday, January 7, 2021 9:07 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Evan Woods <Evan.Woods@tceq.texas.gov>; Albert Matthews <[REDACTED]> Kelvin Parker <[REDACTED]> Tres Miller <[REDACTED]> Jimmy Porter <[REDACTED]> Michael Welly <[REDACTED]>
Subject: RE: Enforcement Discretion Request for Union Tank Car Company - Cleveland - LH-0027-W

Mr. Garcia,

Union Tank Car Company – Cleveland, 604 CR 2205, Cleveland, Liberty County, Texas, 77327, LH-0027-W, FOP O-1539, RN100224575, CN600126395, is requesting Enforcement Discretion for a deviation during the 1st Quarter of 2020. The deviation is not conducting a thermocouple audit of emission point E023, the Regenerative Thermal Oxidizer, as required by NSR Air Permit 6370.

On March 2, 2020, Marmon Holdings, Inc, Union Tank Car Company's parent company, sent a directive to all Human Resources personnel closing the facilities to all visitors and contractors. Human Resources personnel then relayed the directive to all Union Tank Car Company shops, including Union Tank Car Company – Cleveland. Due to this directive, the contractor audit of E023 thermocouples, scheduled for the week of March 23 -27, 2020 could not be performed.

The 1st quarter of 2020, is the only quarterly audit which was not performed due to COVID-19 restrictions.

This Enforcement Discretion Request is requested for not conducting the 1st quarter 2020, E023 thermocouple audit required by NSR Air Permit 6370, Special Condition #7 C (2).

The quarterly thermocouple audit of E023 was conducted for the 4th quarter 2019, and the 2nd, 3rd, and 4th quarters of 2020.

Respectively,

Gary G. Fontenot, CSP, CHMM | Sr. Safety & Environmental Engineer
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