

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: Request for Enforcement Discretion- ExxonMobil Supplemental
Date: Friday, April 24, 2020 6:42:32 PM
Attachments: [BMT LDAR Enf. Disc. Request - COVID 4.24.20 Final.pdf](#)

Good afternoon, Mr. Tomlinson:

The TCEQ has reviewed the supplemental information provided by ExxonMobil Corporation for its Beaumont facilities, consisting of ExxonMobil Beaumont Refinery, ExxonMobil Beaumont Chemical Plant and ExxonMobil Beaumont Polyethylene Plant. The information submitted requests enforcement discretion for LDAR monitoring required by 40 CFR §60.18(i), 30 TAC §115.358(g), New Source Review Permit numbers 49138, 83702, 6860 and 8758 and Title V Permit numbers 02000, 02292, 01243, 02277 and 115295. The proposal is for ExxonMobil to use an alternate work practice to Method 21, by employing the use of an optical gas imaging camera(s).

The specific activities relating to the alternate work practice noted in your April 24, 2020 request (attached) are approved. This enforcement discretion is valid until June 30, 2020. The monitoring activities shall be completed no later than this date, as conditions allow. Should an extension beyond this be needed, please submit a request to extend this deadline.

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.

This enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations.

This approval supersedes the original TCEQ denial of this alternate work practice, dated April 20, 2020.

Regards,

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

From: Tomlinson, Byron K <[REDACTED]>
Sent: Friday, April 24, 2020 1:32 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: Request for Enforcement Discretion

Mr. Ramiro Garcia,
Please see the attached letter requesting Enforcement Discretion for the use of Optical Gas Imaging (OGI) to fulfill second quarter 2020 fugitive emissions monitoring requirements, due to impacts from

the Coronavirus.

If you have any questions regarding this electronic submittal, please contact Stephen Codoluto at (409) 240-3279 or Beaumont.env.admin@exxonmobil.com.

Regards,

Byron K. Tomlinson

Environmental Field Services Section Supervisor

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Ramiro Garcia Jr.
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Texas Commission on Environmental Quality
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Austin, Texas 78711-3087
Electronic Submittal to: OCE@tceq.texas.gov and Ramiro.Garcia@tceq.texas.gov

Re: Request for Enforcement Discretion for LDAR Monitoring and Recordkeeping Obligations and Planned Substitute as a Result of COVID-19 for ExxonMobil Beaumont Facilities

On behalf of ExxonMobil Oil Corporation's Beaumont Facilities, enclosed is a request for Enforcement Discretion as a result of the global pandemic outbreak of Coronavirus Disease 2019 ("COVID-19"). As previously described in the "Notification of Potential Force Majeure Event and Request for Enforcement Discretion as a Result of COVID-19..." letters dated March 27, 2020 and April 1, 2020, the COVID-19 event has impacted the ability of the following ExxonMobil facilities to comply with various provisions of state and federal air regulations, collectively referred to as the ExxonMobil "Beaumont Facilities":

ExxonMobil Beaumont Refinery (BMRF), RN No. 102450756
ExxonMobil Beaumont Chemical Plant (BMCP), RN No. 100542844
ExxonMobil Beaumont Polyethylene Plant (BPEP), RN No. 100211903

The Beaumont Facilities has carefully considered ways in which to significantly reduce the number of onsite personnel while still meeting regulatory requirements; however, it is necessary at this time to provide notice of COVID-19 complications impacting the Beaumont Facilities LDAR monitoring obligations.

The actions taken by the Beaumont Facilities to date in response generally to COVID-19 have been reasonable and prudent while balancing regulatory obligations and the health of our employees and contractors. These actions have included proactively reinforcing social distancing (including reducing the number of non-essential employees working at the respective sites), limiting exposure of essential personnel to outside persons, and implementing the use of virtual meetings.

Personnel were additionally asked to self-monitor for symptoms, including taking temperature twice daily, and to self-quarantine if the employee or contractor had symptoms of COVID-19, has come in contact with a person with COVID-19, or has recently travelled to an area with sustained COVID-19 transmission. Additionally, due to the impacts of COVID-19, schools in the local area have temporarily closed until further notice which caused many employee's children to be at home during the day. In order to enable on-site presence of essential personnel to maintain safe

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operations of these facilities, ExxonMobil has offered a backup care advantage program to assist qualifying employees with finding child care. Unfortunately, future developments may impair the ability to fulfill all requirements.

Due to what all federal and state agencies acknowledge to be a rapidly evolving and unknown progression of the disease in the public, the Beaumont Facilities respectfully requests Enforcement Discretion for the following LDAR monitoring, notification and recordkeeping impacts arising from the disease beyond the control of ExxonMobil, despite the exercise of due diligence and all reasonable steps to avoid or minimize delays or impediments to performance. Currently, the Beaumont Facilities are operational; however, the sites are continuing to managing abnormal operations and several vulnerabilities as a result of COVID-19.

In late March, the Beaumont Facilities began experiencing increasing numbers of LDAR Monitoring Technicians taking off work due to COVID-19 concerns. The facilities were able to complete first quarter monitoring by working overtime with the reduced crew, while being cautious to emphasize social distancing and hygiene guidance. In light of the various Texas counties stay at home orders, increasing local LDAR monitoring contractor safety concerns, and in an effort to help slow the local spread of COVID-19, the ExxonMobil Beaumont Facilities elected to implement a 14-day LDAR monitoring pause from April 1 to April 14 and asked the monitoring crews to stay at home. Since implementing the 14-day pause, Southeast Texas has continued to experience an upward trend of COVID cases. In addition to concerns listed above, a portion of the LDAR monitoring crews supporting the Beaumont Facilities reside in Louisiana, and must travel across the quarantined Texas-Louisiana border. ExxonMobil's alternative plan minimizes vulnerable personnel interaction during the pandemic while employing an environmentally protective technical alternative.

Enforcement Discretion Request

ExxonMobil has brought a reduced staff size back onsite to begin second quarter LDAR monitoring using Optical Gas Imaging (OGI). As you know, Optical Gas Imaging has the added environmental benefit of monitoring equipment not typically required for routine monitoring and identifying additional leaks for minimizing emissions. The reduced LDAR monitoring crew size performing OGI monitoring has helped maintain social distancing during this pandemic, while offering the best chance to complete substantive monitoring of all components normally scheduled for the second quarter.

- Citation of rule / permit provision for which enforcement discretion is requested
 - 40 CFR 60.18(i)
 - 30 TAC 115.358(g)
 - Applicable permit provisions that reference or incorporate the above rules
 - NSR Permit Nos. 49138, 83702, 6860, and 8758
 - Title V Permit Nos. O2000, O2292, O1243, O2277, and 115295

Optical Gas Imaging is an approved Alternate Work Practice (AWP) to Method 21, as written in 30 TAC 115 (§115.358), and NSPS Subpart A (§60.18(g)). The reason industry does not follow this AWP is because of the burdensome recordkeeping requirement and that is not fully reflective of latest improvements in OGI technology. It is important to note EPA currently is in development of revisions to the alternative work practice for OGI with a target proposal date in late summer/early fall of this

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year. ExxonMobil and API have been active participants in support and advocacy of these changes. ExxonMobil requests Enforcement Discretion to allow the use of OGI monitoring to complete second quarter LDAR monitoring consistent with the principles and procedures for such monitoring, including: training; camera calibration and maintenance; daily evaluation of camera imagery capability with respect to monitoring conditions (e.g., wind speed, distance, delta T); and recordkeeping, which are all being developed as part of this effort. The primary difference between the OGI methodologies under development versus what is written in the existing AWP is in the documentation of monitoring, and recordkeeping requirements (continuous video record). In lieu of recording every LDAR component monitored with a date and time stamp as required in §60.18(g), ExxonMobil proposes the alternative recordkeeping in the section below. ExxonMobil believes OGI monitoring combined with the proposed recordkeeping below will be environmentally protective while responsibly managing COVID-19 challenges at the site. Continued fence line monitoring will be able to help identify any issues with elevated emissions; this data coupled with subsequent quarterly LDAR monitoring results via Method 21 will demonstrate the effectiveness of the OGI camera monitoring. ExxonMobil also requests Enforcement Discretion for not being able to meet the 30-day notification requirement as required in 30 TAC 115.358 (g).

Proposed Recordkeeping Alternative

To ensure accurate documentation of these efforts, ExxonMobil will record and retain the first LDAR component monitored each day to document the beginning of the rounds, every leak identified, the leak repair follow-up monitoring, and the last LDAR component monitored each day to document completion of the rounds for 5 years, consistent with current record retention requirements. In addition, while performing OGI monitoring, the LDAR technician will enter a Pass or Fail result into the handheld device for one LDAR component at every area that is scanned. By entering this information in the field, the handheld will capture the GPS coordinates at every location scanned. The Facilities will continue to follow the 5 and 15 day repair requirements as stated in the rule. A repair technician will accompany the camera operator daily, practicing social distancing and with appropriate PPE, to make first attempts at repair in real time where possible. Following any needed repair attempts, the component will be recorded again to document the successful repair, or to show the need for a final repair within 15 days. To improve efficiency, the repair technician will utilize paper copies of the monitoring route to locate the next group of components for the camera operator to scan. This will minimize time lost for the camera operator to search for the next component(s) after scanning an area. At the end of each monitoring day, the passing results will be entered into the LDAR database for all remaining components monitored that day. With this process, the results of all components monitored will be tracked in the LDAR database, demonstrating that the Facilities have monitored every component.

Schedule for Mitigating the Delay or Impediments to Performance – Duration of Request

ExxonMobil currently anticipates the Beaumont Facilities will be able to resume normal staffing of its facility and return to normal work arrangements **beginning no later than June 30, 2020**. However, due to the uncertainty associated with the rapidly evolving developments of COVID-19, the actual length of time where delays or impediments are felt may be different than anticipated. While following recommendations for the Centers for Disease Control and the Occupational Safety and Health Administration, and monitoring the community and greater effects of COVID-19, ExxonMobil will make all efforts to protect the health of its employees to maintain safe operation, and to return

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to normal operations as soon as practical. Updates to the exact timing of resuming normal operations related to LDAR Monitoring will be included in a follow-up to this letter.

Sincerely,

DocuSigned by:



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David Gorsich

Beaumont Complex SSHE Manager