

**From:** Jonathan Walling

**Sent:** Friday, April 3, 2020 3:05 PM

**To:** [REDACTED]

**Cc:** Palmer, Todd B. <[REDACTED]> Clingan, Mark A.

<[REDACTED]> Sweeley, Brian J. <[REDACTED]>

[REDACTED]

[REDACTED] Kaysen, Eric R. <[REDACTED]> Cade,

Ruth A. <[REDACTED]> Bogard, Kevin D.

<[REDACTED]> Meeks, Von J. <[REDACTED]> OCE

<OCE@tceq.texas.gov>

**Subject:** MPC Request #2 related to COVID-19 Response - Blanchard GBR

**Importance:** High

Good afternoon, Mr. Darcey:

The TCEQ has reviewed your request for enforcement discretion to defer repair timelines related to LDAR, Benzene Waste Operations NESHAP (BWON), NSPS QQQ leaks or inspection failures and to defer visual leak inspections pursuant to BWON and NSPS QQQ and other LDAR-type regulations and permit conditions at Blanchard Refining Company Galveston Bay Refinery.

This request is specific to requirements for the above as indicated in 40 CFR 60 Subparts GGG, GGGa, VV, VVa, QQQ, 40 CFR 61 subpart BB, 40 CFR 61 subpart FF, 40 CFR 63 subpart H, 40 CFR 63 subpart CC, 30.TAC Chapter 115, Subchapter D & H, Permit 9606 SC 11, Permit 2231 SC 6 and 29, Permit 47256 SC 51, Permit 2315 SC 10, Permit 22107 SC 31, Permit 46052 SC 11, Permit 19599 SC 9, Permit 22443 SC 10, Permit 2612 SC 15 and Permit 6488 SC 11 and Title V Permit Nos. O-1380 Bay Plant and O-1541 GBR.

Your request for enforcement discretion, as presented, is approved and will be valid until May 7, 2020. The required activities should be completed as soon as practicable, as conditions allow, before this date. Should an extension beyond this be needed, please re-submit your request.

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

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,

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

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**From:** Darcey, Larry <[REDACTED]>  
**Sent:** Thursday, April 2, 2020 11:19 AM  
**To:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
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<[REDACTED]> Davis, Erica F. <[REDACTED]> Kaysen,  
Eric R. <[REDACTED]> Cade, Ruth A. <[REDACTED]>  
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**Subject:** MPC Request #2 related to COVID-19 Response - Blanchard GBR  
**Importance:** High

Mr. Garcia,

Please find the following enforcement discretion requests for the Blanchard Refining Company LLC (Blanchard) Galveston Bay Refinery (GBR) and those compliance activities for which enforcement discretion is requested from March 19, 2020 to May 7, 2020. These requests are submitted to clarify TCEQ March 28, 2020 email approval of Blanchard's March 27, 2020 request.

**Request #1:** Blanchard is requesting enforcement discretion to defer repair timelines related to LDAR, Benzene Waste Operations NESHAP (BWON), NSPS QQQ leaks or inspection failures.

**Request #2:** Blanchard is requesting enforcement discretion to defer visual leak inspections pursuant to BWON and NSPS QQQ and other LDAR-type regulations and permit conditions.

**Reason for Requests #1 & #2:** In response to the pandemic, Blanchard is limiting access to the site to reduce the risk of spreading the virus to employees in the refinery and the public at large. These visual inspections are performed by our third-party contractor who also performs LDAR services. In addition to requiring non-essential employees to telecommute during this period, the site has gone to a critical-employee only on-site workforce. Thus, Blanchard is unable to have a full force of third-party contractors available to perform visual inspection tasks. Notably, Blanchard's third-party contractors work in close quarters in the "LDAR Building" which houses close to 50 technicians. These technicians not only share workspaces, but also equipment for monitoring and calibration and thus, this building & shared equipment does not meet obligations for at least 6 ft social distancing and disinfection requirements to minimize the potential spread of COVID-19. Further LDAR technicians travel from operations control room to control room to get hot work permits necessary to conduct monitoring; this creates a vector across multiple process units.

**Duration:** Through May 7, 2020. Marathon may later be forced to request an extension to this duration should it be necessary due to the status of the pandemic.

**Rule Citation/Permit Condition:** 40 CFR 60 Subparts GGG, GGGa, VV, VVa, QQQ, 40 CFR 61 subpart BB, 40 CFR 61 subpart FF, 40 CFR 63 subpart H, 40 CFR 63 subpart CC, 30.TAC Chapter 115, Subchapter D & H, Permit 9606 SC 11, Permit 2231 SC 6 and 29, Permit 47256 SC 51, Permit 2315 SC 10, Permit 22107 SC 31, Permit 46052 SC 11, Permit 19599 SC 9, Permit 22443 SC 10, Permit 2612 SC 15 and Permit 6488 SC 11 and Title V Permit Nos. O-1380 Bay Plant and O-1541 GBR

**Mitigation Measures:** GBR will use perimeter optical gas imaging to identify leaks, but that would not meet the rigor of the traditional visual inspection routinely performed. We will be prioritizing leaks observed and repair as soon as staffing allows, but lack of available specialty contractors and maintenance personnel may cause delays in certain repairs (i.e., initial attempt not completed in 5-days or final repair within 15-days.) Please confirm that enforcement discretion is also approved for those repair timelines.

Thank you for your time and consideration with this matter. If you have any questions or comments please feel free to contact me at (409) 502-9009 or [REDACTED]

Sincerely,

*Larry G. Darcey, P.E.*

Environmental Supervisor  
Marathon Petroleum Company



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