

**From:** [OCE](#)  
**To:** [Rebekah Stanush](#)  
**Cc:** [Jacqueline Cullather](#)  
**Subject:** FW: Flow Meter Request COVID-19- Magellan Corpus Christi Splitter Facility- Supplemental  
**Date:** Wednesday, July 8, 2020 11:45:55 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Good morning Rebekah,

Here is a response to an enforcement discretion request.

Thanks,

Susan

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Sent:** Wednesday, July 8, 2020 10:48 AM  
**To:** Haley, Nicole <[REDACTED]> Kennebeck, David  
<[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** Flow Meter Request COVID-19- Magellan Corpus Christi Splitter Facility- Supplemental

Good morning, Ms. Haley:

The TCEQ recognizes that this requirement is based on a 12-month rolling average and that Magellan is estimating approximately 314 downtime hours (approx. 3%) will be accumulated by July 10, 2020. Your concern that additional downtime in excess of 124 hours (approx. 2%), between now and July 2021, will cause the facility to be non-compliant with the applicable provisions is noted. The TCEQ encourages the facility to pursue all efforts to prevent any additional downtime of the flow meter in order to remain in compliance with the applicable permit provision.

The TCEQ granted enforcement discretion on July 2, 2020, applicable to New Source Review Permit 118270, Special Condition 32 (E) and 40 CFR 60.18(f)(4) and will be valid through July 10, 2020, which is the scheduled repair date. Repairs shall be made as soon as practicable by this date. If repairs are unable to be made or further unanticipated flow monitor issues arise, due to challenges presented by the COVID-19 pandemic, please submit a new request for consideration.

Regards,

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

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**From:** Haley, Nicole <[REDACTED]>  
**Sent:** Monday, July 6, 2020 1:53 PM

**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>; Kennebeck, David  
<[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** RE: Flow Meter Request COVID-19- Magellan Corpus Christi Splitter Facility

Mr. Walling,

I wanted to clarify that, we are requesting discretion for the 12 month period following this excursion or enforcement discretion of not citing us for exceeding 5% downtime that includes the hours from this event. The permit requires the 95% record retention on a 12-month rolling average (5% downtime). Based on the start date and time of this meter failure (June 27 at 2:40 P.M.), by 5:00 P.M. July 10, we will have accumulated ~314 hrs (~3% of our 12-month time). These hours will not come off our 12-month rolling average until July 2021. This would limit any down time over the course of the next 12 months to ~124 hrs (~2%).

We are committed to maintaining all material records and reporting any issues as required.

Thank you,  
*Nicole Haley*  
Environmental Air Specialist  
[REDACTED]

Office: (361)903-1151  
Mobile: (361)206-9956  
Cell: (281) 386-1621



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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Sent:** Thursday, July 2, 2020 9:45 PM  
**To:** Haley, Nicole <[REDACTED]> Kennebeck, David  
<[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** Flow Meter Request COVID-19- Magellan Corpus Christi Splitter Facility

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Good evening, Ms. Haley:

The TCEQ has reviewed your request for enforcement discretion at Magellan's Corpus Christi Splitter Facility (Magellan) for the flow meter at EPN FL-1 to exceed a down time of greater than 5% of its annual operating time while repairs are being scheduled. The TCEQ will grant enforcement discretion applicable to New Source Review Permit 118270, Special Condition 32 (E) and 40 CFR 60.18(f)(4) and will be valid through July 10, 2020, which is the scheduled repair date. Repairs shall be made as soon as practicable by this date. If repairs are unable to be made due to challenges

presented by the COVID-19 pandemic, please submit a new request for consideration.

At such time that the 5% is exceeded and until repairs are made, Magellan must estimate the flow of contaminants to the flare via available process knowledge or other available means.

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

Regulated entities must maintain records adequate to document activities related to any 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:** Haley, Nicole <[REDACTED]>  
**Sent:** Wednesday, July 1, 2020 1:46 PM  
**To:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** Kennebeck, David <[REDACTED]>  
**Subject:** Flow Meter Request COVID-19

Good Afternoon,

Attached please find a request for enforcement discretion to operate the Flare (EPN: FL-1) with a flow meter down time greater than 5%. If you need additional information or have any questions please contact me. Hope you have a good day.

Thank you,  
*Nicole Haley*  
Environmental Air Specialist  
[REDACTED]

Office: (361)903-1151  
Mobile: (361)206-9956  
Cell: (281) 386-1621

