

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#); [Palmer, Todd B.](#); [Clingan, Mark A.](#); [Sweeley, Brian J.](#); [Bordes, Randy M.](#); [Kaysen, Eric R.](#); [Meeks, Von J.](#); [Cade, Ruth A.](#); [Bogard, Kevin D.](#); [Morton, Darlene G.](#)
Subject: MPC Request related to COVID-19 Response - Follow-up- Blanchard GBR
Date: Saturday, March 28, 2020 10:32:31 AM
Attachments: [image002.png](#)
[TCEO Letter re COVID MPC 3.19.2020.pdf](#)
[GBR TCEO COVID-19 Letter.pdf](#)

Good morning, Mr. Darcey

Your request for enforcement discretion, as presented, relating to LDAR monitoring by Method 21, as prescribed by 40 CFR subparts, 30 TAC 115, and permit conditions is approved with the following qualifications:

- Enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations;
- This enforcement discretion will be in effect until May 8, 2020. The required monitoring 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; and
- Please note that in some cases the rule citations listed for LDAR are subparts that do include relevant LDAR requirements, but also include requirements that are beyond what is described in your request. As an example, 40 CFR 63 Subpart CC is listed for LDAR, and while CC does include LDAR requirements (40 CFR 63.648), it also includes standards for sources such as process vents and storage vessels. Enforcement discretion for these sources is not considered as part of this approval.

Your request for enforcement discretion, as presented, relating to stack testing and CEMS RATA, as prescribed by 40 CFR subparts, 30 TAC 111, 30 TAC 117, and permit conditions is approved with the following qualifications:

- Enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations; and
- This enforcement discretion will be in effect until May 8, 2020. The required testing 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.

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

From: Darcey, Larry <[REDACTED]>
Sent: Friday, March 27, 2020 3:53 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Cc: Palmer, Todd B. <[REDACTED]> Clingan, Mark A.
<[REDACTED]> Sweeley, Brian J. <[REDACTED]>
Bordes, Randy M. <[REDACTED]> Kaysen, Eric R.
<[REDACTED]> Meeks, Von J. <[REDACTED]> Cade,
Ruth A. <[REDACTED]> Bogard, Kevin D.
<[REDACTED]> Morton, Darlene G. <[REDACTED]>
Subject: MPC Request related to COVID-19 Response - Follow-up

Mr. Garcia,

In follow up to Marathon's March 19, 2020 submittal from Ruth Cade, please find the attached letter providing the requested supplemental detail for enforcement discretion. This letter is specific to the Blanchard Refining Company LLC (Blanchard) Galveston Bay Refinery (GBR) and it addresses those compliance activities for which enforcement discretion is requested from March 19, 2020 to May 7, 2020. We appreciate your time and consideration on this matter. If you have any questions or comments, please contact me at [REDACTED] or 409-502-9009.

Sincerely,

Larry G. Darcey, P.E.
Environmental Supervisor
Marathon Petroleum Company



2401 5th Avenue South
Texas City, Texas 77590
Office: 409-943-7497
Cell: 409-502-9009
Email: [REDACTED]

From: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Sent: Saturday, March 21, 2020 7:11 PM
To: Cade, Ruth A. <[REDACTED]> OCE <OCE@tceq.texas.gov>
Cc: Kaysen, Eric R. <[REDACTED]> Bordes, Randy M.
<[REDACTED]> Peterkoski, Timothy J.
<[REDACTED]> Toby Baker <Toby.Baker@tceq.texas.gov>; Tracy Miller
<tracy.miller@tceq.texas.gov>; Susan Johnson <susan.johnson@tceq.texas.gov>; Jayme Sadlier
<jayme.sadlier@tceq.texas.gov>; Jonathan Walling <jonathan.walling@tceq.texas.gov>; Cynthia
Gandee <Cynthia.Gandee@tceq.texas.gov>; David Ramirez <david.ramirez@tceq.texas.gov>; Anita

Keese <anita.keese@tceq.texas.gov>

Subject: [EXTERNAL] RE: MPC Request related to COVID-19 Response

Good evening Ms. Cade,

We have reviewed the request for enforcement discretion for your Galveston Bay Refinery, Texas City and El Paso Refinery, El Paso. Currently, we are unable to grant enforcement discretion because your requests are too broad. In order to properly assess your requests we require more detailed information related to the specific regulatory requirement that will not be met due to staffing issues experienced due to the COVID-19 pandemic. To the greatest extent possible, all regulated entities are encouraged to take all available actions necessary to ensure compliance with environmental regulations and permit requirements within the confines of the Governor's Executive Orders and Public Health Disaster Declaration. Enforcement discretion requests should be limited to only those requirements for which noncompliance is unavoidable. Below is guidance we have shared with the regulated community.

With the onset of COVID-19 (coronavirus) and the Governor's Proclamation of a state of disaster in Texas, the TCEQ is aware that regulated entities may be experiencing an impact from a reduced workforce necessary to maintain normal operations at some facilities. All regulated entities are encouraged to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Texans and the environment. However, in the instance that noncompliance is unavoidable directly due to impact from the coronavirus, an email box has been established by TCEQ to accept requests for potential enforcement discretion. Regulated entities should email both OCE@tceq.texas.gov and Ramiro.Garcia@tceq.texas.gov with specific information related to enforcement discretion requests. The OCE email box is monitored daily by multiple TCEQ staff who will ensure the requests are expeditiously addressed. The TCEQ's goal is to provide a response to the regulated entity's request within 24 to 48 hours.

The email should at a minimum include the following:

- Concise statement supporting request for enforcement discretion
- Anticipated duration of need for enforcement discretion
- Citation of rule / permit provision for which enforcement discretion is requested

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.

We are committed to working with the regulated entities to find viable solutions as we cope with this pandemic. If you have questions, we are available to discuss your matter.

Sincerely,

Ramiro Garcia, Jr.
Deputy
Office of Compliance & Enforcement
TCEQ

From: Cade, Ruth A. <[REDACTED]>
Sent: Thursday, March 19, 2020 9:53 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Kaysen, Eric R. <[REDACTED]> Bordes, Randy M.
<[REDACTED]> Peterkoski, Timothy J.
<[REDACTED]>
Subject: MPC Request related to COVID-19 Response

Mr. Garcia,

On behalf of the wholly-owned subsidiaries of Marathon Petroleum Corporation, please find attached a letter requesting deferred compliance obligations, or at a minimum enforcement discretion, so that we can comply with the Centers for Disease Control (CDC), President Trump's guidelines, and Governor Abbot's March 13, 2020 declaration of a State of Disaster response directives to the novel coronavirus (COVID-19). This letter covers two MPC facilities; the Galveston Bay Refinery in Texas City, Texas, and the El Paso Refinery in El Paso, Texas. We (MPC) are committed to continuing our operations to supply necessary transportation fuels as part of critical infrastructure in a safe and environmentally responsible way through the duration of this pandemic. We will apply best efforts to monitor and adequately document any activities that may be non-compliance with applicable rules for the duration.

Should you have questions, or need additional information, you can directly contact the following individuals or me at contact information below.

Randy Bordes, Senior Attorney, at [REDACTED] or by cell (985)-703-2196.
Eric Kaysen, Environmental Manager for Refining at [REDACTED] or by cell (409) 502-1357

We appreciate TCEQ's leadership in this manner. Stay safe and be well.

Ruth A. Cade



**Marathon
Petroleum Company LP**

Director, Refining Environmental & Assurance

Office: 419-421-3871

Cell: 606-547-7882





Marathon Petroleum Company LP

539 South Main Street
Findlay, OH 45840
Telephone 419/422-2121
FAX 419/425-7040

March 19, 2020

VIA EMAIL TO OCE.TCEQ.TEXAS.GOV AND CERTIFIED U.S. MAIL

Mr. Ramiro Garcia
Deputy Director
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)

On behalf of Blanchard Refining Company LLC, Galveston Bay Refining Logistics LLC, South Houston Green Power LLC, Western Refining Company, L.P, and Western Refining Terminals, LLC, wholly owned subsidiaries of Marathon Petroleum Corporation (“MPC”), and pursuant to Governor Greg Abbott’s March 13, 2020 declaration of a State of Disaster as part of the State’s efforts to respond to the novel coronavirus (COVID-19), this letter requests temporary relief from certain provisions of statutes, rules, orders and permits in an effort to minimize risk of exposure and otherwise respond to COVID-19 without sacrificing the protection of human health and the environment at MPC’s Galveston Bay Refinery in Texas City and El Paso Refinery.

MPC is committed to safe and environmentally responsible operation of its operating sites and fully embraces the emergency actions necessary to protect public health. To protect both its employees, site contractors, and the general public, MPC is seeking to temporarily limit certain on-site activities by personnel as part of its larger COVID-19 response to reduce social contact and comport with the “social distancing” guidelines issued by the Texas Department of State Health Services, the Centers for Disease Control and Prevention (CDC), and the President of the United States through his “Coronavirus Guidelines for America” issued on March 16. These guidelines recommend avoiding close contact with other individuals (within 6 feet), avoidance of social gatherings of more than 10 people, avoiding discretionary travel, and working from home whenever possible.

As a member of a critical infrastructure industry, MPC has a special responsibility to continue the safe and environmentally responsible operation of our facilities to ensure fuel supplies are maintained so that other critical infrastructure continues to function during the ongoing

pandemic. We have already instituted a “work-from-home” policy for non-essential personnel consistent with CDC guidance. Despite many of the present actions taken by governments and businesses, the virus continues to spread. Many more cases are being reported daily. We believe that additional restrictions to site personnel will likely be necessary to slow the spread and protect our operations and maintenance personnel critical to running our assets safely and reliably. These steps could include, but are not limited to, restricted access for third party contractors, further restriction of on-site staff to only core operating and maintenance personnel, or reduction of laboratory personnel and thereby analytical capability. As continued restrictions persist, we are also preparing for potential consequences in the supply chain, including inability to transport samples to third-party laboratories and inability to receive consumables.

In order to achieve the common goal of inhibiting the spread of COVID-19, some periodic sampling, testing, recordkeeping and reporting activities can and should be deferred during the present phase of the response in order to protect essential personnel necessary for safe refinery operations. These actions can be safely and responsibly deferred then resumed as soon as conditions are appropriate, estimated to be after July 1, 2020.

Set forth below is a non-exclusive list of provisions and activities identified to date for which MPC is seeking necessary relief to enable its response to COVID-19 at its Galveston Bay Refinery in Texas City and El Paso Refinery. This list may be revised as the response develops.

Key to the request is the recognition that many of these activities drive increased social interactions with third party contractors that enter and leave our facilities, and other neighboring facilities, on a daily basis. Some of the functions identified below also require contractors and consultants to engage in significant travel and overnight accommodations, which further increases the chances of spreading the virus. This runs counter to the “social distancing” recommendations from the CDC, the President of the United States, and the State of Texas. Complicating this further, many contractors and consultants will be not be reporting daily to their normal workplaces and have instituted travel bans for their employees meaning a shortage of qualified personnel to complete certain regulatory requirements. Even though we are prepared to conduct much of our work remotely, it is unprecedented to carry out certain work entirely via remote communications, and indeed impossible to carry out others. As reflected by the list below, the majority of the items reflect a focus on responsibly minimizing onsite activities and social interaction and a lesser access to complete information due to self-isolation (*e.g.*, employee or contractor personnel held home, sick or quarantined).

The following are activities that we are seeking to temporarily defer, and therefore requesting enforcement discretion, to allow effective “social distancing” measures to occur, estimated to be after July 1, 2020.

1. Fugitive Leak Detection and Repair (LDAR):
 - a. Deferred LDAR monitoring
 - b. Late repair times
 - c. Late recheck of LDAR component after monitoring

- d. Delayed reporting
2. Soil or groundwater remediation:
 - a. Delayed sampling and monitoring
 - b. Delayed reporting
 3. CEMS and stack tests:
 - a. Late stack test
 - b. Late RATA test
 - c. Missed or late CEMS evaluation / Cylinder Gas Audits
 - d. Unable to repair CEMS due to specialized knowledge vested in personnel
 - e. Unable to repair CEMS due to parts unavailability
 - f. Excessive downtime due to the above
 - g. Delayed reporting
 4. Cooling tower sampling:
 - a. Delayed sampling and analysis
 - b. Delayed reporting
 5. Wastewater effluent sampling and reporting:
 - a. Deferred samples and whole effluent toxicity (WET) testing
 - b. Late lab turn-around time on sample results
 - c. Missed hold-time on samples
 - d. Delayed reporting
 6. Fenceline monitoring:
 - a. Sample tube replacement frequency
 - b. Disruptions in lab shipments
 - c. Lab analytical delays
 - d. Delayed reporting
 7. Hazardous waste accumulation:
 - a. Deferral of movements past time limits, including 3-day satellite accumulation time limit and 90-day accumulation time limit
 - b. Delayed reporting
 8. MACT and NSPS related equipment inspections and records
 9. Monitoring or sampling required under Benzene Waste NESHAPS
 10. Regulatory training that can only be accomplished in a face to face setting, e.g. Method 9 Opacity certification.
 11. NSR Authorization (Permit, PBR, Standard Permit) required equipment inspections, data reductions, and record creation not specifically addressed above.

We believe that by taking these measures, we can do our part to slow the spread of the COVID-19 virus. This request covers only those provisions requiring activities that are inconsistent with implementation of MPC's COVID-19 response, while maintaining safe and environmentally responsible operation. If you have any questions about this request, please contact me with any questions at 419-421-3871 or [REDACTED].

Sincerely,



Ruth A. Cade
Director, Refining Environmental & Assurance
Marathon Petroleum Company LP



Larry G. Darcey, P.E.
Environmental Supervisor
Galveston Bay Refinery

Blanchard Refining Company LLC
A subsidiary of Marathon Petroleum Company LP

P. O. Box 401
2401 5th Avenue South
Texas City, TX 77592
Tel: 409.945.1011
Fax: 409.941.8292

March 27, 2020

VIA EMAIL TO OCE@TCEQ.TEXAS.GOV AND RAMIRO.GARCIA@TCEQ.TEXAS.GOV

Mr. Ramiro Garcia
Deputy Director
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

**Re: Request for Regulatory Relief Necessary to Respond to COVID-19
Blanchard Refining Company LLC d/b/a Galveston Bay Refinery**

Dear. Mr. Garcia,

This letter is to provide additional details to Marathon Petroleum Corporation's (Marathon)'s March 19, 2020 letter requesting regulatory relief to respond to the novel coronavirus (COVID-19) at its Blanchard Refining Company LLC (Blanchard) Galveston Bay Refinery (GBR). In your March 21, 2020 response email, you indicated that additional detail should be provided on the regulatory relief requested. Specifically, your guidance was that each request must include the following:

- Concise statement supporting request for enforcement discretion
- Anticipated duration of need for enforcement discretion
- Citation of rule / permit provision for which enforcement discretion is requested

The following sections of this letter outline each potential area of non-compliance where enforcement discretion is requested. This request is for the period beginning on date of the March 19, 2020 original request through May 7, 2020.

Leak Detection and Repair (LDAR)

Request: In response to the pandemic, Marathon is limiting access to the site to reduce the risk of spreading the virus to employees in the refinery and the public at large. 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, Marathon is unable to have a full force of third-party contractors available to perform LDAR tasks. Notably, Marathon's LDAR 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. Therefore, enforcement discretion is requested for the temporary cessation of Method 21 monitoring of fugitive equipment and piping connections in VOC service, including temporary cessation of visual pump inspections conducted monthly if performed by 3rd party contractors. This enforcement discretion is also requested for the temporary cessation of quarterly, monthly, and weekly visual inspections of individual drain systems or waste management units subject to the Benzene Operations NESHAP (BWON) and NSPS QQQ. In lieu of performing Method 21 monitoring and associated visual inspections, GBR will establish a perimeter optical gas imaging (OGI) monitoring schedule, i.e. FLIR camera, to check for leaks in each process unit normally monitored via Method 21. Per EPA's memorandum "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" dated March 26, 2020, these activities are included activities subject to enforcement discretion.

Duration: Through May 1, 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

Stack Testing and CEMS RATAs

Request: Enforcement discretion is requested for the postponement of certain required RATA and stack tests. The postponement is requested to minimize third-party contractors onsite in support of federal social distancing mandates and local stay-at-home orders and to protect the health and safety of critical infrastructure workers. Per EPA's memorandum "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" dated March 26, 2020, these activities are included activities subject to enforcement discretion.

Enforcement discretion is requested for the postponement of the following stack tests and CEMS RATA:

- i) GBR FCCU3 Permit Required 5-year HCN Stack Test (Due date May 6, 2020)
- ii) GBR Dock 30, F-708 Thermal Oxidizer Compliance Test (Due date April 26, 2020)
- iii) GBR Engine Testing (11 engines in March 2020, 1 engine in April 2020)

- iv) GBR Visible Emission Observations (13 engines and 3 thermal oxidizers due by March 31, 2020¹)
- v) GBR SRU Temporary CEMS, EPN384 Annual RATA (Due date March 31, 2020)

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: FCCU3 Air Permit 47256 SC. 41K, F708 Air Permit 47256 SC. 41C, Engine Tests 30 TAC 117.8140(b), SRU CEMS 40 CFR 60.105(a)(ii), 30 TAC 111.111 and Title V Permit Nos. O-1380 Bay Plant and O-1541 GBR

Marathon is committed to making every effort possible to ensure compliance during the pandemic with consideration of the health and safety of critical infrastructure staffing and the public. We appreciate your time and consideration on this matter. If you have any questions or comments, please contact me at (409) 502-9009 or [REDACTED]

Sincerely,



Larry G. Darcey, P.E.
Environmental Supervisor
Galveston Bay Refinery

Cc: Eric Kaysen, Marathon Regional Environmental Manager
Ruth Cade, Director, Refining Environmental
Von Meeks, GBR ES&S Manager
Kevin Bogard, GBR VP and General Manager
Randy Bordes, Marathon Legal Counsel
EPA Region 6, OECA
Galveston County Health Department
TCEQ Region 12

¹ East/West Plant: P-J682 (pump), Coker B (pump), Tank 117 (pump), Tank 4000 (pump), P-615 (pump), P-616 (pump), P-617 (pump), P-618 (pump), Lamella (pump), Docks F-705 (TO), Docks F-708 (TO), Dock 54 (TO); Bay Plant: North Fire Water Pump, South Fire Water Pump, East Fire Water Pump, West Fire Water Pump