

From: [David Ramirez](#)
To: [Adams, Kevin M](#)
Cc: [OCE](#); [Ramiro Garcia](#); [Kaysen, Eric R.](#); [Anita Keese](#); [Bryan Sinclair](#); [Buell, Matthew W.](#)
Subject: RE: [EXTERNAL] RE: MPC El Paso Refinery - Request for Regulatory Relief Necessary to Respond to COVID-19
Date: Friday, April 3, 2020 6:07:02 PM

Good afternoon Mr. Adams,

The TCEQ has received your revised request for enforcement discretion for the Marathon El Paso Refinery (RN100213016) owned and operated by Western Refining Company, L. P. and Western Refining Terminals LLC. With the exception of the request for an extension for annual groundwater monitoring at the South Side groundwater system as required per Agreed Order Docket No. 2000-0181-SWR which requires coordination with the Enforcement Division, your requests are approved in accordance with the representations in your request. These include:

- LDAR monitoring which is required under 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, Title V Permits Nos O-3929 and O-1348, NSR Permit Nos 18897 and 93546
- Quarterly, monthly, and weekly visual inspections of individual drain systems or waste management units which is subject to the Benzene Operations NESHAP (BWON) and NSPS QQQ
- Method 9 Annual smoke school certification training which is required under 30 TAC 111.111(a)(1)(G)
- Annual secondary seal inspections on external floating roof tanks, T069, T-127, T-130, T-144, and T-122 which are required under 40 CFR 60 Subpart Kb, 40 CFR 63 Subpart CC

The enforcement discretion is effective until May 15, 2020. The TCEQ remains committed to working with our regulated community on a case by case basis. These required activities should be completed as soon as practicable, as conditions allow, before this date and 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,
David A. Ramirez, Area Director
Border and Permian Basin Area
Texas Commission on Environmental Quality

From: Adams, Kevin M <[REDACTED]>

Sent: Thursday, April 2, 2020 1:50 PM

To: David Ramirez <david.ramirez@tceq.texas.gov>

Cc: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Anita Keese <anita.keese@tceq.texas.gov>; Bryan Sinclair <bryan.sinclair@tceq.texas.gov>; Buell, Matthew W. <[REDACTED]> Drechsel, Chris S <[REDACTED]>

Kaysen, Eric R. <[REDACTED]>

Subject: RE: [EXTERNAL] RE: MPC El Paso Refinery - Request for Regulatory Relief Necessary to Respond to COVID-19

Please see our response below in italics to each of the five request areas.

First item, enforcement discretion to postpone the leak detection and repair (LDAR) program for the Marathon El Paso Refinery (RN100213016) owned and operated by Western Refining Company, L. P. and Western Refining Terminals LLC. LDAR monitoring is required under 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, Title V Permits Nos O-3929 and O-1348, NSR Permit Nos 18897 and 93546.

Enforcement discretion is approved until May 15, 2020.

MPC acknowledges that the enforcement discretion is through May 15, 2020. If the City of El Paso disaster declaration is extended past May 15, MPC will submit an extension request.

Second item, enforcement discretion request 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. **Please provide more information as to why this activity cannot be conducted in accordance with current COVID-19 restrictions.**

Visual inspections of individual drain systems and waste management units subject to the above-referenced programs are conducted, in part, by third party contractors. To protect its employees, site contractors, and the general public, MPC is seeking to temporarily limit certain on-site activities by company personnel and contract personnel as part of its larger COVID-19 response to reduce social contact and comport with the "social distancing" guidelines issued by the government. The table below provides the visual inspections conducted by the third party contractors that will be affected by COVID-19. The remainder of the drains are still being inspected by operations and will continue to be inspected.

Component Tag	Location Description
577984	BACK OF OLD EMS BLDG
517929	MECHANIC SHOP ENTRANCE
580439	SW OF MAINT BLD W OF GAS PUMP
517935	SW CNR MAINT BLD TRUCK WASH
517936	NE SDE OF MAINT SHOP
517938	25FT NE OF WELD SHOP

583714	INSIDE E ENTRANCE OF MAINT SHOP
515971	60FT EAST OF HYDRO BLAST SHED TAG IS ON BLUE SIGN
540814	SE CRNR OF TRUCK WASH 60FT N OF TK-134 BY WALL

Third item, enforcement discretion request for annual groundwater monitoring at the South Side groundwater system currently scheduled for April 30, 2020. This activity is required as per Agreed Order Docket No. 2000-0181-SWR. **With this specific requirement being tracked by an active TCEQ Agreed Order, please coordinate with the TCEQ's Enforcement Division to obtain the proper order tracking extension. Your point of contact to assist with your extension request is Bryan Sinclair.**

MPC will be submitting the appropriate extension request to Bryan Sinclair of TCEQ.

Fourth item, enforcement discretion request for Method 9 Annual smoke school certification training which is required under 30 TAC 111.111(a)(1)(G). **Please note that the request was to postpone training until May 15, 2020, which would be the expiration of the enforcement discretion for this item, if approved. If the noted date is in error, please resubmit the request with correct date for the Method 9 Annual smoke school certification.**

To clarify, the six month field opacity certification is provided by Eastern Technical Associates and is scheduled to be held May 13 – 14, 2020, at Ascarate Park, in El Paso. ETA has canceled all their scheduled field certifications through May 4. If the City of El Paso disaster declaration is extended into May, and the El Paso field certification class is canceled, MPC will be resubmit this item for enforcement discretion approval.

Fifth item, enforcement discretion request to conduct annual secondary seal inspections on external floating roof tanks, T069, T-127, T-130, T-144, and T-122, which are expiring on April 30, 2020, and are required under 40 CFR 60 Subpart Kb, 40 CFR 63 Subpart CC. **Please provide more information as to why this activity cannot be conducted in accordance with current COVID-19 restrictions.**

MPC uses third-party contractors for these inspections: ITI for the seal inspections and Maxim for the crane and crane operator hoisting the man baskets used by the seal inspectors to access the roofs. To protect its employees, site contractors, and the general public, MPC is seeking to temporarily limit certain on-site activities by company personnel and contract personnel as part of its larger COVID-19 response to reduce social contact and comport with the "social distancing" guidelines issued by the government.

Thank you,

Kevin

Kevin Adams

Environmental Supervisor

ESS – El Paso Refinery
[REDACTED]

Marathon Petroleum Corporation

212 N. Clark Street
El Paso, TX 79905
O: 915-775-7864
M: 915-222-1690



From: David Ramirez <david.ramirez@tceq.texas.gov>
Sent: Saturday, March 28, 2020 6:02 PM
To: Adams, Kevin M <[REDACTED]>
Cc: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Anita Keese <anita.keese@tceq.texas.gov>; Bryan Sinclair <bryan.sinclair@tceq.texas.gov>
Subject: [EXTERNAL] RE: MPC El Paso Refinery - Request for Regulatory Relief Necessary to Respond to COVID-19

Good evening Mr. Adams,

The TCEQ has received your request for enforcement discretion for five different activities:

First item, enforcement discretion to postpone the leak detection and repair (LDAR) program for the Marathon El Paso Refinery (RN100213016) owned and operated by Western Refining Company, L. P. and Western Refining Terminals LLC. LDAR monitoring is required under 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, Title V Permits Nos O-3929 and O-1348, NSR Permit Nos 18897 and 93546.

Enforcement discretion is approved until May 15, 2020.

Second item, enforcement discretion request 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. **Please provide more information as to why this activity cannot be conducted in accordance with current COVID-19 restrictions.**

Third item, enforcement discretion request for annual groundwater monitoring at the South Side groundwater system currently scheduled for April 30, 2020. This activity is required as per Agreed Order Docket No. 2000-0181-SWR. **With this specific requirement being tracked by an active TCEQ Agreed Order, please coordinate with the TCEQ's Enforcement Division to obtain the proper order tracking extension. Your point of contact to assist with your extension request is Bryan Sinclair.**

Fourth item, enforcement discretion request for Method 9 Annual smoke school certification

training which is required under 30 TAC 111.111(a)(1)(G). **Please note that the request was to postpone training until May 15, 2020, which would be the expiration of the enforcement discretion for this item, if approved. If the noted date is in error, please resubmit the request with correct date for the Method 9 Annual smoke school certification.**

Fifth item, enforcement discretion request to conduct annual secondary seal inspections on external floating roof tanks, T069, T-127, T-130, T-144, and T-122, which are expiring on April 30, 2020, and are required under 40 CFR 60 Subpart Kb, 40 CFR 63 Subpart CC. **Please provide more information as to why this activity cannot be conducted in accordance with current COVID-19 restrictions.**

In summary, the quarterly LDAR monitoring enforcement discretion is approved in accordance with the representations in your request and is effective until May 15, 2020, the annual groundwater monitoring requirement needs to be coordinated with TCEQ's Enforcement Division and please resubmit the request with the information requested for the three remaining issues (inspection of individual drain systems or waste management units, smoke school certification and seal inspection) for consideration of enforcement discretion. The TCEQ remains committed to working with our regulated community on a case by case basis and reserves the right to withdraw this approval.

Regards,
David A. Ramirez, Area Director
Border and Permian Basin Area
Texas Commission on Environmental Quality

From: Adams, Kevin M <[REDACTED]>
Sent: Friday, March 27, 2020 12:16 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: FW: MPC El Paso Refinery - Request for Regulatory Relief Necessary to Respond to COVID-19

My first email left off the "gov" on the email address.

Kevin Adams
Environmental Supervisor
ESS – El Paso Refinery
[REDACTED]

Marathon Petroleum Corporation
212 N. Clark Street
El Paso, TX 79905
O: 915-775-7864
M: 915-222-1690



From: Adams, Kevin M

Sent: Friday, March 27, 2020 11:07 AM

To: RAMIRO.GARCIA@TCEQ.TEXAS; OCE@TCEQ.TEXAS.GOV

Cc: tceq06@tceq.texas.gov; AX@elpasotexas.gov; Cade, Ruth A.

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

Matthew W. <[REDACTED]> Bordes, Randy M.

<[REDACTED]>

Subject: MPC El Paso Refinery - Request for Regulatory Relief Necessary to Respond to COVID-19

Dear Mr. Garcia:

The attached 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 El Paso Refinery. 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 individual 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 15, 2020.

Sincerely,
Kevin Adams

Kevin Adams

Environmental Supervisor
ESS – El Paso Refinery

[REDACTED]

Marathon Petroleum Corporation

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