

From: [David Ramirez](#)
To: [Adams, Kevin M](#)
Cc: [OCE](#); [Ramiro Garcia](#); [Anita Keese](#); [Bryan Sinclair](#)
Subject: RE: MPC El Paso Refinery - Request for Regulatory Relief Necessary to Respond to COVID-19
Date: Saturday, March 28, 2020 7:02:29 PM

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



Marathon Petroleum Corporation

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





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



Kevin M. Adams
Western Refining
212 N Clark Drive.
El Paso, TX 79905

Western Refining Company, L.P.

A subsidiary of Marathon Petroleum Corporation
539 South Main Street
Findlay, OH 45840
Tel: 419.422.2121

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
Western Refining Company, L.P (CN 601510191, RN 100213016) & Western
Refining Terminals LLC (CN604485763; RN100213016)
d/b/a Marathon El Paso 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 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 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 15, 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 a centralized building, housing 10 technicians. These technicians not only share workspaces, but also equipment for monitoring and calibration; and

thus the 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. 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, the El Paso Refinery 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 15, 2020. Marathon may later be forced to request an extension to this duration should it be necessary due to the status of the pandemic.

Citation: 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 O1348, NSR Permit Nos 18897 and 93546.

Annual Groundwater Monitoring

Request: Deferral of annual groundwater monitoring at the South Side groundwater system currently scheduled for April 30, 2020. 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. El Paso Refinery has significant amounts of data that characterize the groundwater underneath the refinery and deferring the annual sampling event will not result in any appreciable change to the groundwater characterization.

Duration: Through May 15, 2020. Marathon may later be forced to request an extension to this duration should it be necessary due to the status of the pandemic.

Citation: Agreed Order Docket No. 2000-0181-SWR

Annual Certification of Trained Method 9 Opacity

Request: Deferral of training Method 9 Annual smoke school certification currently scheduled on May 15, 2020.

Duration: Through May 15, 2020. Marathon may later be forced to request an extension to this duration should it be necessary due to the status of the pandemic.

Citation: 30 TAC 111.111(a)(1)(G)

Annual Secondary Tank Seal Inspections

Request: Deferral of annual secondary seal inspections on external floating roof tanks, T069, T-127, T-130, T-144, and T-122 currently expiring on April 30, 2020.

Duration: Through May 15, 2020. Marathon may later be forced to request an extension to this duration should it be necessary due to the status of the pandemic.

Citation: 40 CFR 60 Subpart Kb, 40 CFR 63 Subpart CC

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 my mobile number, 915-222-1690, or by email at



Sincerely,

A handwritten signature in blue ink that reads "Kevin M. Adams".

Kevin M. Adams
Environmental Supervisor
El Paso Refinery

Cc: Eric Kaysen, Marathon Regional Environmental Manager
Ruth Cade, Director, Refining Environmental
City of El Paso via Al Meleros at meleroAX@elpasotexas.gov
TCEQ Region 6 at tceq06@tceq.texas.gov