

From: [David Ramirez](#)
To: [Adams, Kevin M](#)
Cc: [Martinez, Luis E.](#); [Bordes, Randy M.](#); [Cade, Ruth A.](#); [Drechsel, Chris S.](#); [Anita Keese](#); [Ramiro Garcia](#); [OCE](#)
Subject: RE: Marathon El Paso Refinery - Extension Request for Regulatory Relief Necessary to Respond to COVID-19.
Date: Wednesday, May 13, 2020 2:39:05 PM

Good afternoon Mr. Adams,

The TCEQ has received your request for an extension for enforcement discretion for the Marathon El Paso Refinery (RN100213016) owned and operated by Western Refining Company, L. P. and Western Refining Terminals LLC. Your requests are approved in accordance with the representations in your request. These include:

- Leak Detection and Repair (LDAR) as required by 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
- Regulatory Training as required by 40 CFR 60 Appendix A Method 9; 30 TAC 111.111(a)(1)(G)
- Tank Seal Inspections as required by 40 CFR 60 Subparts Ka, Kb; 40 CFR 63 Subparts CC, WW, EEEE, 30 TAC 115, Subchapter B
- CEMS Relative Accuracy Test Audits (RATA) as required by 40 CFR 60.13, 40 CFR 60 Appendices B & F; 40 CFR 60 Subparts Db, J, Ja; 40 CFR 63 Subparts CC, UUU

The extension is effective until May 31, 2020. Any enforcement discretion granted is limited to the Texas Commission on Environmental Quality and does not limit EPA's ability to enforce federal regulations. The TCEQ remains committed to working with our regulated community on a case by case basis. 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: Tuesday, May 12, 2020 3:48 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>; tceq06@tceq.texas.gov
Cc: Martinez, Luis E. <[REDACTED]> Bordes, Randy M. <[REDACTED]> Cade, Ruth A. <[REDACTED]> Drechsel, Chris S <[REDACTED]>
Subject: Marathon El Paso Refinery - Extension Request for Regulatory Relief Necessary to Respond to COVID-19.

Dear Mr. Garcia:

Thank you for your approval of our prior enforcement discretion request (approved through May 15) and your continued support of Marathon's operations. Provided here is an extension request through May 31 and additional details on why COVID-19 prevention is directly related to the need for relief. At

a high level, LDAR, regulatory trainings, tank seal inspections and RATAs require third party contractors to come onsite, into the processing units within the refinery, where they must engage with the unit operators for a Safe Work Permit in order to conduct the required scope of work. The Marathon El Paso Refinery is considered a critical infrastructure providing fuel locally and nationally, and to protect our critical operations staff, contact with third party contractors has been suspended unless the contact is critical to the operation of the units. The suspension of these activities will not create a negative impact to the community or environment and will be resumed as soon as possible.

Below is an outline of activities requesting enforcement discretion for the sole purpose of minimizing third party contractors/off-site personnel and social distancing measures:

1. Leak Detection and Repair (LDAR)

- a. **Citations:** 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
- b. **Specific request for enforcement discretion:** 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.
- c. **Anticipated Duration:** Until at least May 31, 2020 or longer depending upon pandemic status.
- d. **Mitigation Measures, if applicable:** In lieu of performing Method 21 monitoring and imaging (OGI) monitoring schedule, i.e. FLIR camera, to check for leaks in each process unit normally monitored via Method 21.
- e. **COVID-19 Impact:** These measures will lower density of personnel onsite, reducing potential exposure to critical operations and/or maintenance personnel via 3rd party contractor. These measures are designed to reduce the potential spread of the virus as LDAR technicians share equipment, are in close contact with each other while calibrating equipment, and require interaction with operations personnel for hot work permitting and other necessary tasks.

2. Regulatory Training

- a. **Citations:** 40 CFR 60 Appendix A Method 9; 30 TAC 111.111(a)(1)(G)
- b. **Specific request for enforcement discretion:** The temporary deferral of any required regulatory training or certification that can only be conducted in a face to face setting, e.g. Method 9 opacity certification.
- c. **Anticipated Duration:** Until at least May 31, 2020 or longer depending upon pandemic status.
- d. **Mitigation Measures:** If needed, Method 9 readings will only be conducted by certified personnel.
- e. **COVID-19 Impact:** These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.

3. Tank Seal Inspections

- a. **Citations:** 40 CFR 60 Subparts Ka, Kb; 40 CFR 63 Subparts CC, WW, EEEE, 30 TAC 115, Subchapter B
- b. **Specific request for enforcement discretion:** The temporary deferral of any external or internal annual visual tank seal inspection that is due between April 24, 2020 and at least May 31, 2020. This includes the following inspections:

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| EFR Secondary Seal Inspections on Tanks 190, 123, 114, and 115. |
| EFR Primary Seal Inspection on Tank 143 |
| IFR Visual on Tanks 4065 and 4601 |

- c. Until at least May 31, 2020 or longer depending upon pandemic status.
- d. **Mitigation Measures:** MPC operations personnel will detect leaks via olfactory, visual, or audible means during routine rounds performed of tank farm areas. If any leaks occur, a maintenance work order will be initiated for its repair.
- e. **COVID-19 Impact:** These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.

4. **CEMS Relative Accuracy Test Audits (RATA)**

- a. **Citations:** 40 CFR 60.13, 40 CFR 60 Appendices B & F; 40 CFR 60 Subparts Db, J, Ja; 40 CFR 63 Subparts CC, UUU
- b. **Specific request for enforcement discretion:** The temporary deferral of the scheduled RATA on the following CEMS:

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| RATA on BWON H2S (Units = PK-853) |
| RATA on Old Mix Drum H2S (Units = XH-103,125, 109 , 8, 6) |
| RATA on Rheniformer H2S (Units = XF4150/4160, XF4170/4180, XF4132, XF4131) |
| RATA on N. Boilers H2S (Units = 1011, 1012, 1013, 4301) |
| RATA on Plant 39 H2S (Units = XF3902, XF3901, XF3804) |
| RATA on #6 H2S (Units = XF1601, XF1602) |

- c. **Anticipated Duration:** Until at least May 31, 2020 or longer depending upon pandemic status.
- d. **Mitigation Measures, if applicable:** Where cylinder gas audits (CGA's) are conducted by on-site MPC maintenance personnel, a CGA will be substituted for a RATA and retain the current schedule.
- e. **COVID-19 Impact:** An effort to reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor or MPC personnel traveling from an off-site location.

Kevin Adams

Environmental Supervisor
ESS – El Paso Refinery

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