

**From:** [Jonathan Walling](#)  
**To:** [Sweeley, Brian J.](#); [Bordes, Randy M.](#); [Clingan, Mark A.](#); [Livings, Vicky G.](#); [Darcey, Larry](#); [Kaysen, Eric R.](#); [Elizondo, Julian J.](#)  
**Cc:** [OCE](#)  
**Subject:** MPC Request #3 related to COVID-19 Response - Blanchard GBR\_Supplemental\_Extension\_October 2020  
**Date:** Thursday, October 1, 2020 12:54:17 PM  
**Attachments:** [image001.png](#)

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Good afternoon, Mr. Sweeley:

The TCEQ has evaluated your request for an extension to conduct performance testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2), due to programming and technical issues within Blanchard's instrumentation system.

The TCEQ will extend the previously approved deadline for this testing (established on September 2, 2020) which will be valid through October 31, 2020. The required testing shall be completed as soon as practicable by this date.

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

Blanchard must maintain records adequate to document activities related to the noncompliance under enforcement discretion, including details of Blanchard's best efforts to comply.

Regards,

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

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**From:** Sweeley, Brian J. <[REDACTED]>  
**Sent:** Wednesday, September 30, 2020 4:33 PM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Cc:** Bordes, Randy M. <[REDACTED]> Clingan, Mark A. <[REDACTED]> Livings, Vicky G. <[REDACTED]> Darcey, Larry <[REDACTED]> Kaysen, Eric R. <[REDACTED]> Elizondo, Julian J. <[REDACTED]> OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** RE: [EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard GBR\_Supplemental\_Extension\_September 2020

Mr. Walling,

The purpose of this email is provide an update on performance testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2). The instrument parts were delivered during the last week in September. Blanchard immediately installed the parts and attempted to operate the thermal oxidizer on

9/28/2020 to prove the new instrumentation. However, programming and technical issues within the instrumentation system caused the thermal oxidizer to shut down before proving was complete. The thermal oxidizer cannot be placed into operation until these issues are resolved. Therefore, Blanchard requests an extension until October 31, 2020, to complete the testing.

Please feel free to contact me at 409-370-6368 or [REDACTED] if you have any questions.

Thank you,

Brian Sweeley  
Environmental Supervisor – Air Permitting  
Marathon Galveston Bay Refinery  
409-943-7253 (office)  
409-370-6368 (cell)

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>

**Sent:** Wednesday, September 2, 2020 5:08 PM

**To:** Sweeley, Brian J. <[REDACTED]>

**Cc:** Bordes, Randy M. <[REDACTED]> Clingan, Mark A.

<[REDACTED]> Livings, Vicky G. <[REDACTED]>

Darcey, Larry <[REDACTED]> Kaysen, Eric R.

<[REDACTED]> Elizondo, Julian J. <[REDACTED]>

OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>

**Subject:** [EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard  
GBR\_Supplemental\_Extension\_September 2020

Good afternoon, Mr. Sweeley:

The TCEQ has evaluated your request to extend testing of the Dock 30 F-708 Thermal Oxidizer (EPN 294-2). The new deadline for this testing will be valid through September 30, 2020.

With respect to Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A) and Sulfur Recovery Unit Tail Gas Incinerator (SRU TGI, EPN 384), it is acknowledged that Blanchard will retest these units within 60 days after achieving rates that exceed by 10% the rates at which a unit was tested, as required by NSR Permit 47256, Special Condition 41.

This enforcement 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,

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

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**From:** Sweeley, Brian J. <[REDACTED]>  
**Sent:** Monday, August 31, 2020 3:56 PM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; Bordes, Randy M. <[REDACTED]>  
<[REDACTED]> Clingan, Mark A. <[REDACTED]>  
Livings, Vicky G. <[REDACTED]> Darcey, Larry  
<[REDACTED]> Kaysen, Eric R. <[REDACTED]>  
Elizondo, Julian J. <[REDACTED]>  
**Subject:** RE: [EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard  
GBR\_Supplemental\_Extension

Mr. Walling,

Blanchard successfully completed the required performance testing at the following emissions sources in August: Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A) and Sulfur Recovery Unit Tail Gas Incinerator (SRU TGI, EPN 384). Maximum production rates could not be achieved due to impacts from the COVID-19 pandemic. As a result, Blanchard will retest these units within 60 days after achieving rates that exceed by 10% the rates at which a unit was tested.

Unfortunately, Blanchard was not able to complete performance testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2) in August. The pandemic continued to impact operating rates and delivery of critical instrumentation parts. Therefore, Blanchard requests an extension until September 30, 2020, to complete this testing.

Please feel free to contact me at 409-370-6368 or [REDACTED] if you have any questions.

Thank you,

Brian Sweeley  
Environmental Supervisor – Air Permitting  
Marathon Galveston Bay Refinery  
409-943-7253 (office)  
409-370-6368 (cell)

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Sent:** Friday, July 31, 2020 11:43 AM  
**To:** Bordes, Randy M. <[REDACTED]> Clingan, Mark A.

<[REDACTED] Livings, Vicky G. <[REDACTED]>  
Darcey, Larry <[REDACTED]> Kaysen, Eric R.  
<[REDACTED] Sweeley, Brian J. <[REDACTED]>

**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>

**Subject:** [EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard  
GBR\_Supplemental\_Extension

Good morning, Mr. Sweeley:

The TCEQ has evaluated your request. Since Blanchard has not yet been able to achieve maximum operating rates, it is advisable that Blanchard proceed to test at the current rate for the Fluid Catalytic Cracking Unit (FCCU3/EPN 34A) , and Sulfur Recovery Unit Tail Gas Incinerator no later than August 31, 2020. Once you exceed the operating rate at which a unit was tested by 10%, then re-testing the unit must be conducted within 60 days.

An extension is being provided until August 31, 2020 to conduct testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2).

The subsequent testing frequency will remain in effect as required by NSR Permit 47256, Special Condition 41.

This enforcement 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,

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

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**From:** Sweeley, Brian J. <[REDACTED]>  
**Sent:** Wednesday, July 29, 2020 2:56 PM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Clingan, Mark A. <[REDACTED]> Livings, Vicky G. <[REDACTED]> Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; Darcey, Larry <[REDACTED]> Kaysen, Eric R. <[REDACTED]> Bordes, Randy M. <[REDACTED]>  
**Subject:** RE: [EXTERNAL] EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard GBR\_Supplemental

Mr. Walling,

Good afternoon. The purpose of this email is to provide TCEQ with an update to Blanchard's enforcement discretion request, dated July 2, 2020. In that email, we requested performance testing extensions for two emissions sources: Dock 30 F-708 Thermal Oxidizer (EPN 294-2) and Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A). We also stated that production plans would not allow us to perform the required testing at maximum production rates or throughputs. TCEQ responded and granted an extension until July 31, 2020, "to provide the TCEQ with information as to when maximum operating rates are being achieved."

Due to impacts from the COVID-19 pandemic, Blanchard's production plan does not project maximum operating rates for FCCU3 for the foreseeable future. Therefore, Blanchard requests (1) guidance on when the testing should be performed, and (2) a sufficient extension to perform the testing. Blanchard would welcome a conference call with TCEQ to discuss details, including the confidential production plans. Blanchard is also open to several potential solutions for FCCU3, including testing in August 2020 at less than maximum operating rates and retesting at a later date after FCCU3 has achieved operating rates that are at least 10% higher than the August 2020 rates.

Blanchard expects to achieve maximum operating rates at the Dock 30 F-708 Thermal Oxidizer in August 2020. Therefore, Blanchard requests an extension until August 31, 2020, to complete this testing.

**(NEW)** Special Condition 41 of Permit No. 47256 requires stack testing every 5 years at the Sulfur Recovery Unit (SRU) Tail Gas Incinerator (TGI) for H<sub>2</sub>S, NO<sub>x</sub>, CO, and VOC. The next required stack test at the SRU TGI must be completed by August 10, 2020. Similar to FCCU3, Blanchard's production plans do not project maximum operating rates for the SRU for the foreseeable future. Therefore, Blanchard also requests TCEQ guidance and enforcement discretion on delaying testing for the SRU TGI.

Please feel free to contact me at 409-370-6368 or [REDACTED] if you have any questions or would like to schedule a conference call to discuss this matter in more detail.

Thank you,

Brian Sweeley  
Environmental Supervisor – Air Permitting  
Marathon Galveston Bay Refinery  
409-943-7253 (office)  
409-370-6368 (cell)

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>

**Sent:** Thursday, July 2, 2020 10:09 PM

**To:** Darcey, Larry <[REDACTED]> Clingan, Mark A.

<[REDACTED]> Sweeley, Brian J. <[REDACTED]>

Living, Vicky G. <[REDACTED]>

**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>

**Subject:** [EXTERNAL] EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard GBR\_Supplemental

Good evening, Mr. Darcey:

The TCEQ has reviewed Blanchard Refining Company LLC Galveston Bay Refinery's (Blanchard) request for enforcement discretion to delay compliance testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2) and to delay hydrogen cyanide stack testing at Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A), as required by 40 CFR 63 Subpart Y, Special Condition 41 of Air Permit No. 47256 and Title V Permit No. O-1541. Enforcement discretion was granted and is currently valid until July 10, 2020.

If Blanchard remains unable to achieve maximum operating rates by July 31, 2020, it is preferable for the tests not to be conducted until such time as maximum operating rates are achieved. Testing at lower rates would not be representative for the duration until the next required test, which would be five years from the test date. While enforcement discretion will not be granted for testing at lower rates, enforcement discretion will be exercised in allowing Blanchard until July 31, 2020, to provide the TCEQ with information as to when maximum operating rates are being achieved. This notice shall be submitted as soon as practicable by this date. Upon receipt of this notice and providing TCEQ with a reasonable test date for the subject EPNs, further enforcement discretion will be considered, and if approved, applied at that time.

This enforcement 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,

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

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**From:** Darcey, Larry <[REDACTED]>  
**Sent:** Thursday, July 2, 2020 9:49 AM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Clingan, Mark A. <[REDACTED]> Sweeley, Brian J. <[REDACTED]> Livings, Vicky G. <[REDACTED]> Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Subject:** RE: [EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard GBR

Dear Mr. Walling,

This email is an update to our enforcement discretion request on May 5<sup>th</sup>. In that request we asked for performance testing extensions on two emissions sources [Dock 30 F-708 Thermal Oxidizer (EPN 294-2) and Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A)]. In our request we indicated that production plans would not allow us to perform the testing at maximum production rates or throughputs. The requested extension at that time was until July 31, 2020; however, we were only granted an extension until July 10, 2020. Our current production forecast still indicates that we will not be operating at representative maximum rates before July 10, 2020. Therefore, Marathon requests an extension until July 31, 2020 and will complete the testing before that date. If maximum rates are not achieved during the testing, we will clearly note that in the report, but also request that TCEQ not require additional testing prior to the next scheduled testing cycle. The later statement is specific to the testing on EPN 34A. We would appreciate the opportunity to discuss further, but we are aware that TCEQ is teleworking.

Thank you for your time and consideration regarding this matter. If you have any questions or comments please contact me at (409) 943-7497.

Sincerely,

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



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

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>

**Sent:** Tuesday, May 5, 2020 4:02 PM

**To:** Darcey, Larry <[REDACTED]>

**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Clingan, Mark A. <[REDACTED]> Sweeley, Brian J. <[REDACTED]> Livings, Vicky G. <[REDACTED]> Kaysen, Eric R. <[REDACTED]> Cade, Ruth A. <[REDACTED]> Bogard, Kevin D. <[REDACTED]>

**Subject:** [EXTERNAL] MPC Request #3 related to COVID-19 Response - Blanchard GBR

**Importance:** High

Good afternoon, Mr. Darcey:

The TCEQ has reviewed Blanchard Refining Company LLC Galveston Bay Refinery's request for

enforcement discretion to delay compliance testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2) and to delay hydrogen cyanide stack testing at Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A), as required by 40 CFR 63 Subpart Y, Special Condition 41 of Air Permit No. 47256 and Title V Permit No. O-1541.

Your request for enforcement discretion, as presented, is approved and will be valid until July 10, 2020. The required activities should be completed as soon as practicable, as conditions allow, before this date. Should an extension beyond this be needed, please submit a request to extend this date.

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,

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

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**From:** Darcey, Larry <[REDACTED]>  
**Sent:** Tuesday, May 5, 2020 11:16 AM  
**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:** Clingan, Mark A. <[REDACTED]> Sweeley, Brian J. <[REDACTED]> Livings, Vicky G. <[REDACTED]> Kaysen, Eric R. <[REDACTED]> Cade, Ruth A. <[REDACTED]> Bogard, Kevin D. <[REDACTED]> TCEQR12AIR <[TCEQR12AIR@tceq.texas.gov](mailto:TCEQR12AIR@tceq.texas.gov)>; Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>; 'Seager.cheryl@Epa.gov' <[Seager.cheryl@Epa.gov](mailto:Seager.cheryl@Epa.gov)>; 'Kelley.rosemarie@epa.gov' <[Kelley.rosemarie@epa.gov](mailto:Kelley.rosemarie@epa.gov)>; EXECDIR <[EXECDIR@tceq.texas.gov](mailto:EXECDIR@tceq.texas.gov)>; 'rschultz@gchd.org' <[rschultz@gchd.org](mailto:rschultz@gchd.org)>; Elizondo, Julian J. <[REDACTED]> Bordes, Randy M. <[REDACTED]>  
**Subject:** RE: MPC Request #3 related to COVID-19 Response - Blanchard GBR  
**Importance:** High

Mr. Garcia,

Please find the following enforcement discretion requests for the Blanchard Refining Company LLC (Blanchard) Galveston Bay Refinery (GBR) due to impacts from the COVID-19 pandemic. (Air Account # GB-0004-L, RN 102535077, CN 604166868)

**Request #1:** Blanchard is requesting enforcement discretion to delay compliance testing at the Dock 30 F-708 Thermal Oxidizer (EPN 294-2) as required by 40 CFR 63 Subpart Y and Special Condition 41 of Permit No. 47256 on June 10, 2020 and April 26, 2020, respectively.



**Request #2:** Blanchard is requesting enforcement discretion to delay Hydrogen Cyanide (HCN) stack testing at Fluid Catalytic Cracking Unit No. 3 (FCCU3, EPN 34A) as required by Special Condition 41 of Permit No. 47256 by May 5, 2020.

**Reason for Requests #1 & #2:** Due to lower market demand resulting from the COVID-19 pandemic, Dock 30 and FCCU3 are not operating at sufficient throughput and production rates for the testing to be representative of worst case operating scenarios. Therefore, in order to perform a valid performance test the testing will need to be delayed until more representative maximum rates are achieved. The length of the delay is also necessary since a scheduled turnaround will impact rates during the month of June 2020.

**Duration:** Blanchard requests approval to delay the performance testing until at least July 31, 2020. If sufficient production rates are not achievable by that date, Blanchard will request another extension to ensure the tests are conducted at proper operating conditions.

**Rule Citation/Permit Condition:** 40 CFR 63 Subpart Y, Special Condition 41 of Air Permit No. 47256 and Title V Permit No. O-1541 GBR

**Mitigation Measures:** No mitigation measures are planned since stack testing will occur in a timely manner when necessary operating rates are achieved. There will be no impact to the environment by delaying these performance tests.

Thank you for your time and consideration with this matter. If you have any questions or comments please feel free to contact me at (409) 502-9009 or [REDACTED]

Sincerely,

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



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