

**From:** [Ramiro Garcia](#)  
**To:** [Hanley, Pete](#); [OCE](#)  
**Cc:** [Peterkoski, Timothy J.](#); [Haley, Tim](#); [Myers, Greg E.](#); [Toby Baker](#); [Tracy Miller](#); [Susan Johnson](#); [Jayme Sadlier](#); [Randy Ammons](#); [David Ramirez](#); [Susan Jablonski](#); [Jonathan Walling](#); [Cynthia Gandee](#); [Anita Keese](#); [David Durst](#); [Michelle Harris](#)  
**Subject:** RE: MPLX Request for TCEQ Enforcement Discretion for COVID-19  
**Date:** Saturday, March 21, 2020 7:19:52 PM  
**Attachments:** [MPLX Letter to TCEQ-COVID-19\\_19Mar2020.pdf](#)

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Good evening Mr. Hanley,

We have reviewed your requests for enforcement discretion for your various locations. 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](mailto:OCE@tceq.texas.gov) and [Ramiro.Garcia@tceq.texas.gov](mailto: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

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**From:** Hanley, Pete [REDACTED]  
**Sent:** Thursday, March 19, 2020 4:26 PM  
**To:** OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>  
**Cc:** Peterkoski, Timothy J. [REDACTED]; Haley, Tim  
[REDACTED]; Myers, Greg F. [REDACTED]  
**Subject:** MPLX Request for TCEQ Enforcement Discretion for COVID-19

Mr. Garcia,

On behalf of MPLX and the wholly-owned subsidiaries of MPLX, 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 Marathon Pipe Line facilities (Pasadena Station, and Texas City, TX Tank Farm), and seven gas gathering stations operated by MPLX subsidiaries (Geneva & Midland Stations; Conan Station; Apollo Tul; Hercules Station; Jackrabbit Station; Mason Station; and Stateline Station). MPLX is 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-compliant with applicable rules for the duration. We expect the deferral of compliance obligations to be needed as long as emergency conditions exist an at least three months thereafter to get caught back up to normal in our numerous compliance programs.

Should you have questions, or need additional information, you can directly contact the me at contact information below. If you need to respond via telephone, and I am unavailable, in that event please use Greg Myers as a back-up contact point. [Greg Myers, Environmental Support Manager, at [REDACTED] or by cell phone 313-348-8582.]

We appreciate TCEQ’s leadership in this matter. Again, feel free to email me or call me if you have any questions.

Pete Hanley

Peter D. Hanley, PE, JD

Advanced Sr. HES Professional  
Logistics and Storage  
Marathon Petroleum Company  
539 S. Main Street  
Findlay, OH 45840

**Cell Phone:** 419-957-9467



**MPLX LP**

200 East Hardin Street  
Findlay, OH 45840

March 19, 2020

*VIA EMAIL TO OCE.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 Novel Coronavirus (COVID-19)**

On behalf of MPLX LP, and wholly owned subsidiaries listed in Appendix A, 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 MPLX's logistics and storage operations.

MPLX 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, MPLX 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, MPLX 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 essential 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 operation of our facilities. 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 MPLX is seeking necessary relief to enable its response to COVID-19 at its terminals, pipelines and pump stations. 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 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 to allow effective “social distancing” measures to occur, estimated to be after July 1, 2020.

1. Storage tank inspections required by NSPS Kb or MACT WW
2. Fugitive Leak Detection and Repair:
  - a. Deferred LDAR monitoring
  - b. Late repair times
  - c. Late recheck of LDAR component after monitoring
  - d. Delayed reporting
  - e. Inability to address DORs during unit shutdowns due to personnel, supply or external resource shortages or disruptions

3. 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
  - c. Manifest management disruptions
  - d. TSD permit noncompliance due to personnel, supply or external resource shortages or disruptions
4. Facilities that have open the TCEQ Audit Privilege that have due dates for violation disclosure reports as shown in Appendix B.

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 MPLX's COVID-19 response, while maintaining safe and environmentally responsible operation. If you have any questions about this request, please contact Pete Hanley with questions at 419-429-5432 or [REDACTED].

Sincerely,



Tim Haley  
Environmental, Safety, Security and Product Quality Manager  
MPLX Logistics and Storage

## Appendix A

### Geneva Station and Midland Tank Facility

Standard Permit Registration Number: 143987  
Andeavor Logistics Rio Pipeline LLC  
Project Description/Unit: Geneva Station and Midland Tank Terminal  
City: Midland, Midland County  
Regulated Entity Number: RN108558107  
Customer Reference Number: CN604875674  
Oil and Gas Standard Permit (Non-rule) Effective Date: 11/08/2012

### Conan Station

Standard Permit Registration Number: 145735  
Western Refining Conan Gathering, LLC  
Project Description/Unit: Conan Station  
City: Mentone, Loving County  
Regulated Entity Number: RN109697045  
Customer Reference Number: CN605624808  
Oil and Gas Standard Permit (Non-rule) Effective Date: 11/08/2012

### Apollo Tul

Permit by Rule Registration Number: 145626  
Western Refining Delaware Basin Storage, LLC  
Project Description/Unit: Apollo Tul  
City: Orla, Loving County  
Regulated Entity Number: RN109685305  
Customer Reference Number: CN605448216  
30 TAC § 106.352(l) Effective Date: 11/22/2012  
30 TAC § 106.359 Effective Date: 09/10/2013

### Hercules Station

Permit by Rule Registration Number: 149653  
Western Refining Delaware Basin Storage, LLC  
Project Description/Unit: Hercules Station  
City: Mentone, Loving County  
Regulated Entity Number: RN110067790  
Customer Reference Number: CN605448216  
30 TAC § 106.352(l) Effective Date: 11/22/2012  
30 TAC § 106.359 Effective Date: 09/10/2013

**Jackrabbit Station**

Standard Permit Registration Number: 123835  
Western Refining Pipeline, LLC  
Project Description/Unit: Jackrabbit Station  
City: Wink, Winkler County  
Regulated Entity Number: RN107739294  
Customer Reference Number: CN604486605  
Oil and Gas Standard Permit (Non-rule) Effective Date: 11/08/2012

**Mason Station**

Standard Permit Registration Number: 116547  
Western Refining Pipeline, LLC  
Project Description/Unit: Mason Station  
City: Pecos, Reeves County  
Regulated Entity Number: RN106271174  
Customer Reference Number: CN604486605  
Oil and Gas Standard Permit (Non-rule) Effective Date: 11/08/2012

**State Line Terminal**

Standard Permit Registration Number: 154872  
Andeavor Logistics Rio Pipeline LLC  
Project Description/Unit: State Line Terminal  
City: Mentone, Loving County  
Regulated Entity Number: RN108558701  
Customer Reference Number: CN604875674  
Oil and Gas Standard Permit (Non-rule) Effective Date: 11/08/2012

**Texas City Tank Farm**

Permit by Rule Registration Number: 144005  
Marathon Pipe Line LLC  
Project Description/Unit: Texas City Tank Farm  
City: Texas City, Galveston County  
Regulated Entity Number: RN109476846  
Customer Reference Number: CN600254221

**Marathon Pipeline Pasadena Station**

Permit Number: 4322A (NSR Permit) and O2773 (Title V Permit)  
Expiration Date: NSR-November 19, 2024, Title V-April 27, 2021  
Hardin Street Transportation LLC  
Pasadena, Harris County  
Regulated Entity Number: RN101851517  
Customer Reference Number: CN604718387



Appendix B

<b>Station</b>	<b>Date</b>	<b>RN Number</b>	<b>Investigation Number</b>
Conan Station	1/8/2020	RN107739294	1622950
Jackrabbit Station	1/7/2020	RN106271174	1622951
Mason Station	1/8/2020	RN109697045	1622940
Zurich Station	1/7/2020	RN110726833	1623914
Geneva Station	1/7/2020	RN108558107	1623173
Apollo Tul	10/15/2019	RN109685305	1598936
Hercules Station	9/4/2019	RN110067790	1592543



**MPLX LP**

200 East Hardin Street  
Findlay, OH 45840

June 19, 2020

*VIA EMAIL TO OCE.TCEQ.TEXAS.GOV*

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

**Re: Previous Requests for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)**

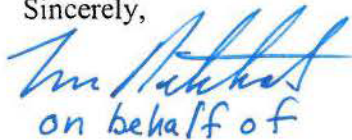
On behalf of MPLX LP, and its wholly owned subsidiaries, this letter provides an update to two letters that MPLX had submitted to the Texas Commission on Environmental Quality (TCEQ) on March 19, 2020. For reference, the letters are provided as Attachments A and B.

In the March letters, MPLX had proactively identified compliance requirements that it may have needed to defer due to its response to the coronavirus pandemic. At the time, MPLX considered potential deferrals based on the worst-case model projections of the spread of the virus. We were unsure how difficult or how long the lockdowns would be, and we included in the letter all possible outcomes in order to ensure TCEQ would be fully aware.

We are pleased to inform TCEQ that MPLX did not defer any compliance obligations. As a result, we request that TCEQ either retract the letters or append this notification to the letters in the file.

If you have any questions, please contact Timothy Peterkoski, at 419-429-2869 or [REDACTED].

Sincerely,



on behalf of

Tim Hale  
Environmental, Safety, Security  
& Product Quality Manager  
MPLX Logistics and Storage



Robert E. McHale  
Environmental Manager  
MPLX Gathering and Processing