

From: [Ramiro Garcia](#)
To: [Cade, Ruth A.](#); [OCE](#)
Cc: [Kaysen, Eric R.](#); [Bordes, Randy M.](#); [Peterkoski, Timothy J.](#); [Toby Baker](#); [Tracy Miller](#); [Susan Johnson](#); [Jayme Sadlier](#); [Jonathan Walling](#); [Cynthia Gandee](#); [David Ramirez](#); [Anita Keese](#)
Subject: RE: MPC Request related to COVID-19 Response
Date: Saturday, March 21, 2020 7:11:27 PM
Attachments: [TCEQ Letter re COVID MPC 3.19.2020.pdf](#)

Good evening Ms. Cade,

We have reviewed the request for enforcement discretion for your Galveston Bay Refinery, Texas City and El Paso Refinery, El Paso. 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 and 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

From: Cade, Ruth A. <[REDACTED]>
Sent: Thursday, March 19, 2020 9:53 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Kaysen, Eric R. <[REDACTED]> Bordes, Randy M.
<[REDACTED]> Peterkoski, Timothy J.
<[REDACTED]>
Subject: MPC Request related to COVID-19 Response

Mr. Garcia,

On behalf of the wholly-owned subsidiaries of Marathon Petroleum Corporation, 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 MPC facilities; the Galveston Bay Refinery in Texas City, Texas, and the El Paso Refinery in El Paso, Texas. We (MPC) are 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-compliance with applicable rules for the duration.

Should you have questions, or need additional information, you can directly contact the following individuals or me at contact information below.

Randy Bordes, Senior Attorney, at [REDACTED] or by cell (985)-703-2196.
Eric Kaysen, Environmental Manager for Refining at [REDACTED] or by cell (409) 502-1357

We appreciate TCEQ's leadership in this manner. Stay safe and be well.

Ruth A. Cade



Director, Refining Environmental & Assurance

Office: 419-421-3871

Cell: 606-547-7882





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