

From: [Jonathan Walling](#)
To: [REDACTED]
Cc: [OCE](#)
Subject: Enforcement Discretion Request - Extension of Testing Deadline due to COVID-19_MVP Pasadena Extension
Date: Monday, August 10, 2020 9:12:31 AM
Attachments: [Pasadena Enf.Discretion 2 - Testing extension.pdf](#)

Good morning, Mr. Zindler:

Your request for enforcement discretion to extend the testing deadline for the Marine Vapor Recovery Units 3 and 4 at MVP Terminalling, LLC's Pasadena Terminal, as required by NSR Permit Number 142261, Special Condition 28 D and 40 CFR Part 63 Subpart Y 63.563(b)(1), is approved and valid until September 30, 2020. The testing shall be completed as soon as practicable before this date. This approval supersedes the original enforcement discretion granted on June 5, 2020. Should an extension beyond this be needed, please submit a new request for consideration.

Enforcement Discretion is limited to the Texas Commission on Environmental Quality. This 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

From: Zindler, Corey <[REDACTED]>
Sent: Friday, August 7, 2020 3:31 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Subject: Enforcement Discretion Request - Extension of Testing Deadline due to COVID-19

August 7, 2020

Via email:
Ramiro.Garcia@tceq.texas.gov
OCE@tceq.texas.gov

**RE: Enforcement Discretion Request – Extension of Testing Deadline for Marine Vapor Recovery Units 3 & 4 (EPNs MLVRU-3 and MLVRU-4)
MVP Terminalling, LLC – Pasadena Terminal
Air Permit 142261 and N254; CN605429364; RN109347518**

MVP Terminalling, LLC is requesting enforcement discretion to extend the testing deadline an additional 2 months for Marine Vapor Recovery Units (MVRUs) 3 and 4 at our Pasadena Terminal. The MVRUs started up on December 10, 2019, with the initial testing due on June 7, 2020. A previous extension request was submitted on June 4, for which an extension was granted until August 8, 2020 (see request below).

Due to the significant reduction in demand for petroleum products brought on by COVID-19, we have been unable to arrange the loading of a vessel that meets the testing requirements. Please note that MVP Terminalling does not own the petroleum products or vessels. The vessels are contracted by our customers, with MVP providing the storage and loading of the customer's petroleum products as a service.

We are requesting enforcement discretion until October 8, 2020; however, testing shall be conducted as soon as practicable.

**Citation of rule / permit provision for which enforcement discretion is requested:
NSR Permit Number 142261, Special Condition 28 D; 40 CFR Part 63 Subpart Y 63.563(b)(1).**

Please note that MVRU 1 & 2 are identical units for which initial compliance testing has previously been completed. The initial testing demonstrated the units fully comply with the MACT Y emission standards.

If you have any questions or concerns regarding this request, please contact me at 918-574-7773 or via email at [REDACTED]

Respectfully,

MVP Terminalling, LLC
By: Magellan Operating Company, LLC, its Operator

Corey Zindler

Corey Zindler
Senior Air Specialist

From: Zindler, Corey

Sent: Thursday, June 4, 2020 1:42 PM

To: Ramiro.Garcia@tceq.texas.gov; OCE@tceq.texas.gov

Subject: Enforcement Discretion Request - Extension of Testing Deadline due to COVID-19

June 4, 2020

Via email:

Ramiro.Garcia@tceq.texas.gov

OCE@tceq.texas.gov

**RE: Enforcement Discretion Request – Extension of Testing Deadline for Marine Vapor Recovery Units 3 & 4 (EPNs MLVRU-3 and MLVRU-4)
MVP Terminalling, LLC – Pasadena Terminal
Air Permit 142261 and N254; CN605429364; RN109347518**

MVP Terminalling, LLC is requesting enforcement discretion to extend the testing deadline 6 months for Marine Vapor Recovery Units (MVRUs) 3 and 4 at our Pasadena Terminal. The MVRUs started up on December 10, 2019, with the initial testing due on June 7, 2020. The testing will be completed as soon as possible, but no later than December 7, 2020.

Citation of rule / permit provision for which enforcement discretion is requested:
NSR Permit Number 142261, Special Condition 28 D; 40 CFR Part 63 Subpart Y 63.563(b)(1).

Testing was originally scheduled for April 9, 2020, however due to travel restrictions imposed by the COVID-19 pandemic March 2020 through May 2020, initial testing on the MVRUs had to be postponed until June. We are additionally experiencing reduced loading demand for petroleum products, which has limited the necessary conditions required to conduct the testing. On June 1st we had one vessel that provided enough loading time to complete the initial performance test on MVRU 3, but the loading time was insufficient to perform the MVRU 3 RATA or any testing on MVRU 4. At this time, it is unknown when the next vessels will arrive that would allow completion of the testing. For these reasons we are requesting enforcement discretion to extend the testing deadline six months.

Please note that MVRU 1 & 2 are identical units for which initial compliance testing has previously been completed. The initial testing demonstrated the units fully comply with the MACT Y emission standards. Preliminary test data from June 1st indicates that MVRU 3 will also meet the MACT Y emission standards. There are no indications that MVRU 4 will not also meet the MACT Y emission standards.

If you have any questions or concerns regarding this request, please contact me at 918-574-7773 or via email at [REDACTED]

Respectfully,

MVP Terminalling, LLC
By: Magellan Operating Company, LLC, its Operator

Corey Zindler

Corey Zindler
Senior Air Specialist
Office: 918-574-7773
Cell: 918-984-8429

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ONE WILLIAMS CENTER
PO BOX 22186
TULSA, OK 74121-2186
(918) 574-7000

August 5, 2020

Via email:

Ramiro.Garcia@tceq.texas.gov

OCE@tceq.texas.gov

**RE: Enforcement Discretion Request – Extension of Testing Deadline for Marine Vapor Recovery Units 3 & 4 (EPNs MLVRU-3 and MLVRU-4)
MVP Terminalling, LLC – Pasadena Terminal
Air Permit 142261 and N254; CN605429364; RN109347518**

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Due to the significant reduction in demand for petroleum products brought on by COVID-19, we have been unable to arrange the loading of a vessel that meets the testing requirements. Please note that MVP Terminalling does not own the petroleum products or vessels. The vessels are contracted by our customers, with MVP providing the storage and loading of the customer's petroleum products as a service.

We are requesting enforcement discretion until October 8, 2020; however, testing shall be conducted as soon as practicable.

**Citation of rule / permit provision for which enforcement discretion is requested:
NSR Permit Number 142261, Special Condition 28 D; 40 CFR Part 63 Subpart Y 63.563(b)(1).**

Please note that MVRU 1 & 2 are identical units for which initial compliance testing has previously been completed. The initial testing demonstrated the units fully comply with the MACT Y emission standards.

If you have any questions or concerns regarding this request, please contact me at 918-574-7773 or via email at [REDACTED]

Respectfully,

MVP Terminalling, LLC
By: Magellan Operating Company, LLC, its Operator

Corey Zindler

Corey Zindler
Senior Air Specialist