

From: [David Ramirez](#)
To: [Schwartzengraber, Faithe](#)
Cc: [Anita Keese](#); [Ramiro Garcia](#); [OCE](#)
Subject: RE: NuStar Logistics -El Paso Refined Product Terminal -Enforcement Discretion
Date: Friday, April 10, 2020 11:55:53 AM

Good morning Ms. Schwartzengraber,

The TCEQ has received your request for enforcement discretion for the El Paso Refined Products Terminal (RN102285871) owned and operated by NuStar Logistics LP. Your request was evaluated in accordance with the representation in your request for:

- The delay of the internal inspection of Tank 80M2 as required by Special Condition 16. B. of Air Permit No. 24771 which requires for any tank equipped with a floating roof, visual inspections and any seal gap measurements as specified in 40 CFR 60.113(b) to verify fitting and seal integrity.

Your enforcement discretion, however, is only effective **until June 30, 2020**. The TCEQ remains committed to working with our regulated community on a case by case basis. These required activities should be completed as soon as practicable, as conditions allow, before this date and should an extension beyond this be needed, please re-submit your request. 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,
David A. Ramirez, Area Director
Border and Permian Basin Area
Texas Commission on Environmental Quality

From: Schwartzengraber, Faithe <[REDACTED]>
Sent: Thursday, April 9, 2020 5:18 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Cc: Schwartzengraber, Faithe <[REDACTED]>
Subject: NuStar Logistics -El Paso Refined Product Terminal -Enforcement Discretion

Permit 24771

TCEQ Account: EE-1339-R

RN 102285871

CN 60180662

Ramiro Garcia Jr, Deputy Director, Office of Compliance and Enforcement (OCE),

NuStar Logistics, LP owns and operates the El Paso Refined Product Terminal located in El Paso, County

Texas (RN102285871). NuStar is requesting enforcement discretion from your Office of Compliance and Enforcement (OCE). NuStar respectfully requests to delay the internal inspection of Tank 80M2. The API-653 and internal inspection was scheduled for the week of March 31, 2020. A notification of the API-653 was submitted January 9, 2020. Currently Tank 80M2 is dedicated to Conventional Grade Gasoline (CBOB) for tanker trucks to load for distribution to fuel stations within the local market. The El Paso Terminal is challenged with containment issues due to the supply of refined product is significantly reduced from the impacts of COVID-19. This scheduled inspection of this tank and the floating roof seals/fittings requires tank 80M2 to be taken out of service. This would require the tank to be cleaned and degassed prior to inspection. The Project Management team along with the Tank Integrity group has re-evaluated due to the concern for exposure risks to COVID-19. This presents additional risks to personnel on site completing the tank cleaning and inspection process.

Concise Statement Supporting Request for Enforcement Discretion

The API-653 cleaning and inspection of Tank 80M2 has been delayed due to travel and social distancing recommendations being followed by NuStar and Contract support, in an effort to aid in the spread of the virus per the state of Texas. NuStar personnel are required to comply with the El Paso County "Stay at Home, Work Safe Order", which requires mandatory staggering shifts, quarantine for individuals traveling outside 100 miles of El Paso. This tank cleaning and inspection will require multiple crews from outside the El Paso area to enter the terminal and work within close proximity of each other for extended periods of time. Personnel would require overnight stays, in which NuStar does not deem as safety critical at this time.

Anticipated duration of need for enforcement discretion

The duration of the COVID-19 disruption to Texas is unknown at the current time. NuStar respectfully requests to delay the inspection of this tank to September 30, 2020. Tank 80M2 is currently in good operating condition. Visual inspections of the fittings and roof were conducted from the roof hatch in March 2020. Daily audio, visual and olfactory (AVO) inspections are conducted as required by the permit as well. Furthermore, NuStar believes the inspection delay would result in minimal emissions to the environment due to the good condition of the tank.

Citation of rule / permit provision for which enforcement discretion is requested

NuStar requests enforcement discretion from 30 TAC §116.115(c) which states "holders of permits, special permits, standard permits, and special exemptions shall comply with all special conditions contained in the permit document." Special 16B of Air Permit No. 24771 requires an internal inspection of the tank seals and fitting at least every 10 years. The special condition incorporates this inspection requirement by referencing the "visual inspections and any seal gap measurements specified in Title 40 Code of Federal Regulations § 60.113(b) Testing and Procedures to verify fitting seal and integrity." It is important to note 40 CFR § 60.113(b) is not applicable to Tank 80M2 as a standalone federal requirement and NuStar is required to comply with the inspection requirement due to reference by the Texas State Air Permit.

Thank you,



E. Faithe Schwartzengraber
Environmental Manager-Central West North Region

O: (1)806-371-1310 | M: (1)806-340-5427
4200 W. Cliffside Road | Amarillo, TX 79124