

From: [Meek, Brian N., Oxea/US](#)
To: [Jonathan Walling](#)
Cc: [OCE](#)
Subject: RE: Request from OXEA; RN105195655
Date: Tuesday, April 14, 2020 3:39:07 PM

Mr. Walling – thank you and the agency for this favorable determination. We understand our obligation to perform the inspection as soon as practicable and by August 10th if possible. Should we need to extend this timeline, we will resubmit the request. Again, we appreciate yours and the agencies considerations during the COVID19 crisis.

Brian Meek

OXEA Corporation |Environmental Lead

☎: (+1) 979-241-4053 | 📠: (+1) 979-241-4279 | 📞: (+1) 979-541-9240 | ✉: [REDACTED]

Visit our webpage: www.oxea-chemicals.com

From: Jonathan Walling <jonathan.walling@tceq.texas.gov>

Sent: Tuesday, April 14, 2020 3:26 PM

To: Meek, Brian N., Oxea/US [REDACTED]

Cc: OCE <OCE@tceq.texas.gov>

Subject: Request from OXEA; RN105195655

This email originates from outside Oxea - Diese Email kommt von ausserhalb Oxea!

Oxea Servicedesk

Good afternoon, Mr. Meek:

Your request for enforcement discretion, as presented, relating to the 10-year internal preventive maintenance visual inspection of internal floating roof tank V-646, as prescribed by 40 CFR §60.113b(a)(4) and Special Condition 10.B of New Source Review Permit No. 5546 is approved with the following qualifications:

- Enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations; and
- This enforcement discretion will be in effect until August 10, 2020. The required inspection should be completed as soon as practicable, as conditions allow, before this date. Should an extension beyond this be needed, please re-submit your request.

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: Meek, Brian N., Oxea/US [REDACTED]
Sent: Tuesday, April 14, 2020 1:55 PM
To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>
Subject: Request from OXEA; RN105195655

Mr. Garcia,

By this email, OXEA Chemicals (OXEA) is requesting enforcement discretion for non-compliance at its Bay City Plant. OXEA has taken, and will take, all appropriate, available actions to try to avoid such non-compliance, but OXEA knows that such noncompliance will be unavoidable directly due to the COVID-19 situation.

More specifically, on May 10, 2020 the 10-year internal preventive maintenance (PM) visual inspection is due on one of its large internal floating roof (IFR) tanks (V-646) that stores n-propanol. The PM requirement is required by Special Condition 10.B of NSR Permit No. 5546. This special condition requires the facility to perform the PM inspection as per 40 CFR §60.113b(a)(4). Accordingly, OXEA is required to inspect the tank no later than May 10, 2020.

Until the COVID-19 situation greatly expanded in the last few weeks, OXEA was on schedule to inspect V-646 on or before the deadline of May 10, 2020. But, for the reasons discussed below, the COVID-19 situation will prevent OXEA from making the inspection by that date. While OXEA will take all appropriate, available actions to inspect Tank V-646 as soon as possible, OXEA will be unable to make that inspection until some unknown date in the future, which will be totally dependent on the COVID-19 situation, including how long it lasts.

For OXEA to be able to inspect Tank V-646, all of the n-propanol in the tank will have to be removed and the tank will have to be taken out of service for at least one week to allow safe entry into the tank. Taking Tank V-646 out of service for up to one week so it can be inspected will cause significant problems throughout the U.S. and the rest of the world as long as there is a need for, and shortage of, hand sanitizing products to address the COVID-19 situation.

That is due to the following reasons:

- Demand for n-propanol has increased dramatically recently, and by May, is expected to be almost four times higher than it was last December – the increased demand is due to n-propanol being a key ingredient in some hand sanitizing products, which are in great need for the fight against the spread of COVID-19, but are in short supply, and
- The Bay City Plant, which produces about 40% of the world's n-propanol, has no alternative place to store the n-propanol that will have to be removed from Tank V-646 to allow its inspection or the n-propanol that will be produced by the Plant while the tank is out of service as of this PM inspection.

If OXEA was to be required to take Tank V-646 out of service while there is such a significant demand for n-propanol due to the significant need for, and shortage of, hand sanitizing products to address the COVID-19 situation, that would almost certainly result in broad negative implications in the global fight against COVID-19.

While OXEA knows the duration for which it will need enforcement discretion will start on May 10, 2020 and will end when the need for hand sanitizing products to address the COVID-19 situation decreases enough that Tank V-646 can be taken out of service for up to one week without

causing an unacceptable shortage of n-propanol, and, thus, hand sanitizing products. OXEA has no way to know when the demand for n-propanol will decrease. Accordingly, OXEA cannot quantify with any certainty the duration of the enforcement discretion it will need. However, OXEA's rough estimate is that it will need enforcement discretion for at least three months from May 10, 2020, i.e., until around August 10, 2020. In the event OXEA later determines it will need enforcement discretion beyond that date, OXEA will send a follow-up email to request that TCEQ extend the enforcement discretion to a later date.

OXEA will maintain records adequate to document its efforts to inspect Tank V-646.

OXEA appreciates TCEQ's consideration of this request for enforcement discretion. Please let me know if you have any questions or need additional information.

Brian Meek

OXEA Corporation | Environmental Lead

☎: (+1) 979-241-4053 | 📠: (+1) 979-241-4279 | 📞: (+1) 979-541-9240 | ✉: [REDACTED]

Visit our webpage: www.oxea-chemicals.com