

From: [Jonathan Walling](#)
To: [Bryant, Nekilea T](#); [Gopal, Vivek](#); [Smith, Serena](#)
Cc: [OCE](#)
Subject: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)_P66_Oct2020
Date: Wednesday, October 21, 2020 9:20:12 AM
Attachments: [Sweeny Refinery Enforcement Discretion Extension2.pdf](#)
[ATT00001.htm](#)

Good morning, Mr. Bryant:

Your request for enforcement discretion relating to LDAR monitoring activities at Phillips 66 Company, Sweeny Refinery, as prescribed by 40 CFR subparts and 30 TAC 115, 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 October 31, 2020 (previously approved until September 1, 2020). The required activities should be completed as soon as practicable, as conditions allow, by this date.

Regulated entities must maintain records adequate to document activities related to any noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply.

A copy of this correspondence should be maintained with your records.

Regards,

Jonathan Walling, Area Director
Coastal & East Texas Area
Texas Commission on Environmental Quality

From: "Bryant, Nekilea T" <[REDACTED]>
Date: October 20, 2020 at 5:26:14 PM CDT
To: OCE <OCE@tceq.texas.gov>, Ramiro Garcia <Ramiro.Garcia@tceq.texas.gov>, "Seager.Cheryl@epa.gov" <Seager.Cheryl@epa.gov>
Cc: "Welton.Patricia@epa.gov" <Welton.Patricia@epa.gov>, "Gopal, Vivek" <[REDACTED]> "Smith, Serena" <[REDACTED]>
Subject: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)

Mr. Garcia,

Please find attached the Phillips 66 Sweeny Refinery COVID Enforcement Discretion Extension Request letter for your consideration.

Thank you for your time!

Nekilea T. Bryant
Sr. Environmental Engineer



Vivek Gopal
Environmental Director
Phillips 66
Sweeny Refinery
P. O. Box 866
Sweeny, TX 77480
phone 979-491-2365

October 20, 2020

VIA EMAIL: OCE@tceq.texas.gov and Ramiro.garcia@tceq.texas.gov

CERTIFIED MAIL: 7019 1120 0001 8645 1006

Mr. Ramiro Garcia, Jr.
Deputy Director, Office of Compliance and Enforcement
Texas Commission on Environmental Quality (TCEQ), MC-172
P.O. Box 13087
Austin, Texas 78711 – 3087

Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)
Phillips 66 Company, CN604065912
Sweeny Refinery, RN101619179

Dear Mr. Garcia:

Phillips 66 Sweeny Refinery received enforcement discretion due to COVID-19 related contractor unavailability relating to LDAR monitoring activities as prescribed by 40 CFR subparts and 30 TAC 115, effective until July 31, 2020. A temporary extension to the discretion was received and effective until September 1, 2020. On behalf of Phillips 66 Sweeny Refinery, this letter requests a further temporary extension of relief from these provisions of statutes, rules, orders and permits until October 31, 2020, in an effort to minimize risk of exposure and otherwise respond to COVID-19 without sacrificing the protection of human health and the environment.

Phillips 66 Sweeny Refinery is committed to safe and environmentally responsible operation of its operating sites. To protect both its employees, site contractors, and the general public, Phillips 66 Sweeny Refinery is seeking to temporarily limit certain on-site activities by personnel as part of its larger COVID-19 response. In order to achieve this goal, some periodic sampling, testing, recordkeeping and reporting activities can and should safely and responsibly be deferred during the present phase of the response, to be conducted or resumed as soon as conditions are appropriate in the response.

Phillips 66 has 1,680 components that were not able to be monitored in the third quarter of 2020 due to COVID related causes. The TCEQ granted written approval of enforcement discretion for LDAR-related activities as prescribed by 40 CFR subparts and 30 TAC 115, effective until July 31, 2020 with a temporary extension until September 1, 2020. These requests were the direct response to members of the Refinery's LDAR contractor crews testing positive for COVID-19. Following TCEQ's confirmation of enforcement discretion through September 1, 2020, the Sweeny Refinery took steps to limit any additional exposure for and from these individuals. While the Refinery was able to conduct the majority of its LDAR-related monitoring and repair tasks, the protections and earlier delay affected the monitoring scheduled to comply with the TCEQ approved due date, and normal monitoring activities for 1,680 components. Consequently, the Sweeny Refinery seeks further extension of the previously granted enforcement discretion until October 31, 2020. Additionally, it is the Sweeny Refinery's understanding that monitoring in the fourth quarter of 2020 of the 1,680 components missed due to COVID in the third quarter, will fully satisfy the monitoring

requirements for these components in the fourth quarter of 2020. As such, these components will only be monitored once in the fourth quarter of 2020, and the Sweeny refinery will resume monitoring of these components on its normal schedule in first quarter 2021.

Any deferred monitoring or other LDAR-associated activity will be conducted as soon as practicable once normal staffing of LDAR-related activities resumes.

1. Periodic certification and reporting:
 - a. Deferred filing of LDAR periodic reports
(30 TAC 115.786(c), 40 CFR 61.1575)
2. Fugitive Leak Detection and Repair (LDAR):
 - a. Deferred LDAR monitoring
 - i. Quarterly monitoring for Q2 2020
(30 TAC 115.354(2))
 - ii. June monthly monitoring
(30 TAC 115.354(11), 40 CFR 60.482-2a, 40 CFR 60.482-7(a)(1))
 - iii. Audio, visual, olfactory monitoring
(30 TAC 115.352(2))
 - iv. Relief valve monitoring
(30 TAC 115.351(2)(D))
 - b. Late repair times
(40 CFR 60.482-7(d)(1)(2))
 - c. Late recheck of LDAR component after monitoring
(40 CFR 60.482-7(d)(1)(2))
 - d. Late new-component tagging within 30 days
(30 TAC 115.354(11))

Please contact me at 979.491.2365 or [REDACTED] to discuss this request if you have any questions or concerns. I look forward to hearing the Agency's decision on this request.

Sincerely,



Vivek Gopal
Environmental Director