

From: [Jonathan Walling](#)
To: [Bryant, Nekilea T](#)
Cc: [OCE](#); [Gopal, Vivek](#); [Smith, Serena](#)
Subject: Phillips 66 - NGL Fractionation Plant - Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19) - Update
Date: Wednesday, May 27, 2020 8:36:43 AM
Attachments: [Scan Bryant, Nekilea T 15 44 19-26 05 2020.pdf](#)

Good morning, Mr. Bryant:

Your request for enforcement discretion for repairs that were completed after their due date in the first quarter of FY 2020 at Phillips 66 Company, Old Ocean NGL Fractionation Plant, as prescribed by 40 CFR subparts and 30 TAC 115, is approved. It is the TCEQ's understanding that initial and final repairs were delayed due to challenges presented by the COVID-19 pandemic. If any final repairs remain to be addressed, please ensure that they are completed within the appropriate time frame.

Please note that enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations.

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]>
Sent: Tuesday, May 26, 2020 3:46 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Gopal, Vivek <[REDACTED]> Smith, Serena <[REDACTED]>
Subject: Phillips 66 - NGL Fractionation Plant - Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19) - Update

Mr. Garcia,

Please find attached the Phillips 66 Old Ocean NGL Fractionation Plant COVID Enforcement Discretion Update 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

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

CERTIFIED MAIL: #7016 0340 0000 3595 0474

May 14, 2020

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
Old Ocean NGL Fractionation Plant, RN106603970

Dear Mr. Garcia:

On behalf of Phillips 66 Old Ocean NGL Fraction Plant, and pursuant to Governor Greg Abbot'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), Phillips 66 Old Ocean NGL Fractionation Plant requested enforcement discretion as a result of the novel coronavirus (COVID-19) on March 25, 2020. The request for enforcement discretion related to LDAR monitoring at the Phillips 66 Old Ocean NGL Fractionation Plant, as prescribed by 40 CFR subparts and 30 TAC 115 was approved on March 27, 2020, and TCEQ indicated will be in effect until May 31, 2020. This letter is to provide an update to that request.

The Phillips 66 Old Ocean NGL Fractionation Plant identified a presumptive COVID-19 positive contractor with supervisory duties over an LDAR monitoring team. A second potential presumptive case was identified concerning a contractor with safety supervisory duties. The Phillips 66 Old Ocean NGL Fractionation Plant took steps to limit any additional exposure for and from these individuals. As a result, additional LDAR-related activities that were normally conducted by these contractors were impacted.

While the Phillips 66 Old Ocean NGL Fractionation Plant initially anticipated in its March 25, 2020 request that all LDAR-related activities at the facility were likely to be impacted by the COVID-19 response measures, five of the seven LDAR-related tasks were completed fully and on-time. Only two LDAR issues were impacted by the COVID-19 response measures and are identified in the following table. These items have now been fully addressed. For the respective five- and four-day delays associated with two items, the Phillips 66 Old Ocean NGL Fractionation Plant requests enforcement discretion because these items were completed after their due date in the first quarter of 2020 as a result of the COVID-19 response measures related to the site's LDAR contractors.

If you have any questions or need any additional information, please contact Vivek Gopal at (979)491-2365 or [REDACTED]

Environmental, Health, and Safety Enforcement Discretion Update
COVID-19 Enforcement Discretion
Phillips 66 Company, CN604065912
Old Ocean NGL Fractionation Plant, RN106603970

Sincerely,



Vivek Gopal
Environmental Director

| Item | Summary of Issues | Rule or Permit Provision | Repair Due Date | Corrective Action Plan | Actual Repair Date | Status |
|------|---|---------------------------|-----------------|--|--------------------|----------|
| 1 | Unit 44 - 4 components were identified to have late first repair times. | 40 CFR 60.482-7(d)(1)(2)) | 3/25/2020 | The first attempt repairs and re-monitoring to be performed as quickly as possible upon return of the contractor. If needed, the final repairs and re-monitoring to complete within the 15-day timeframe | 3/30/2020 | Complete |
| 2 | Unit 44 - 1 component was identified to have late final repair | 40 CFR 60.482-7(d)(1)(2)) | 3/26/2020 | The first attempt at repair was completed within the 5-day timeframe. The final repair to be performed as quickly as possible upon return on the contractor. | 3/30/2020 | Complete |