

From: [Jonathan Walling](#)
To: [Bryant, Nekilea T](#); [Gopal, Vivek](#); [Smith, Serena](#)
Cc: [OCE](#)
Subject: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus BWON (06252020)- Phillips 66 Sweeny Refinery
Date: Tuesday, June 30, 2020 3:13:32 PM
Attachments: [Sweeny Refinery COVID Enforcement Discretion Request BWON \(06252020\).pdf](#)

Good afternoon, Mr. Bryant:

Your request for enforcement discretion for BWON-related activities that are late/were missed for the 2nd quarter of 2020 and June 2020, at Phillips 66 Company, Sweeny Refinery, as prescribed by 40 CFR subparts, is approved. This discretion will be valid until August 14, 2020. The required activities shall be completed as soon as practicable before this date. If the activities cannot be completed by this date due to COVID-19 related challenges, a new request for enforcement discretion must be submitted for consideration.

Please note that this enforcement discretion pertains only to missed individual drain/oily water sewer system inspections, missed/late carbon canister monitoring/replacement, and missed container monitoring. If required activities other than these cannot be completed in a timely manner, they must be addressed in a separate request for enforcement discretion.

In addition, this approval is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations or requirements of the Consent Decree referenced in the attached.

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.

Regards,

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

From: Bryant, Nekilea T <[REDACTED]>
Sent: Monday, June 29, 2020 5:10 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Cc: Gopal, Vivek <[REDACTED]> Smith, Serena <[REDACTED]>
Subject: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus BWON (06252020)

Mr. Garcia,

Please find attached the Phillips 66 Sweeny Refinery COVID Enforcement Discretion Request letter – BWON (06252020) 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

June 25, 2020

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

CERTIFIED MAIL: 7019 0700 0001 2045 6688

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:

On behalf of Phillips 66 Sweeny Refinery, this letter requests temporary relief from certain provisions of statutes, rules, orders and permits 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.

On June 16, 2020 and June 19, 2020, the Sweeny Refinery identified COVID-19 positive contractors on the BWON team. The Sweeny Refinery is taking steps to limit any additional exposure for and from these individuals. As a result, additional BWON-related activities that are normally conducted by these contractors are expected to be impacted. Consequently, the Sweeny Refinery seeks enforcement discretion for the non-exclusive list of provisions and activities set forth below. This list may be revised as the response develops. The Sweeny Refinery requests enforcement discretion for these identified items that would otherwise be due in the Second Quarter of 2020 and June of 2020.

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

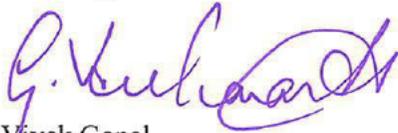
1. Benzene Waste Operations NESHAP (BWON):
 - a. Missed Individual drain/oily water sewer system inspections
(40 CFR 60.692-2, 40 CFR 61.346(b)(2), Consent Decree 221 (c))

- b. Missed or late carbon canister monitoring/replacement
(40 CFR 61.354(d))

- c. Missed container monitoring
(40 CFR 61.345(3)(C))

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