

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) - SRC BWON
Date: Monday, April 20, 2020 4:17:31 PM
Attachments: [Scan_Gopal, Vivek_16_32_18-17_04_2020.pdf](#)

Good afternoon, Nekelia T. Bryant:

The TCEQ will exercise enforcement discretion for the missed monthly inspections of active in-service drains, as required by 40 CFR §60.692-2, for the months of March 2020 and April 2020 at Phillips 66 Company's Sweeny Refinery, due to COVID-19 restrictions. The required inspections must resume in May 2020, as soon as practicable, as conditions allow. Should an extension beyond this be needed, please submit a request to extend this date.

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

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

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

From: Bryant, Nekilea T <[REDACTED]>
Sent: Friday, April 17, 2020 4:39 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 (COVID-19) - SRC BWON

Mr. Garcia,

Please find attached the Phillips 66 Sweeny Refinery COVID Enforcement Discretion Request letter - BWON 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

April 16, 2020

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

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 and pursuant to Governor Greg Abbott'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), 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.

The Sweeny Refinery identified a presumptive COVID-19 positive contractor with supervisory duties over an BWON program. The Sweeny Refinery took 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 were impacted. Consequently, the Sweeny Refinery seeks enforcement discretion for the 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 First Quarter of 2020 and April 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)

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,

A handwritten signature in blue ink, appearing to read "V. Gopal", with a large, stylized flourish at the end.

Vivek Gopal
Environmental Director