

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 Update P66 Sweeny
Date: Wednesday, May 27, 2020 10:45:55 AM
Attachments: [Scan_Bryant, Nekilea T 15 15 07-26 05 2020.pdf](#)

Good morning, Mr. Bryant:

Your request for enforcement discretion for BWON inspections that were completed after their due date in the first quarter of 2020 at Phillips 66 Company, Sweeny Refinery, as prescribed by 40 CFR subparts, is approved. It is the TCEQ's understanding that inspections were delayed due to challenges presented by the COVID-19 pandemic.

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 or requirements of the Consent Decree referenced in the attached.

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 3:20 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 Update

Mr. Garcia,

Please find attached the Phillips 66 Sweeny Refinery COVID Enforcement Discretion Update 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

May 20, 2020

VIA EMAIL: OCE@tceq.texas.gov and Ramiro.garcia@tceq.texas.gov
CERTIFIED MAIL #7019 0700 0001 2045 6671

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 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 Sweeny Refinery requested enforcement discretion as a result of the novel coronavirus (COVID-19) on April 16, 2020. The request for enforcement discretion related to BWON monitoring at the Phillips 66, as prescribed by 40 CFR subparts and Consent Decree 219(c) approved on April 20, 2020, and TCEQ indicated will be in effect until May 2020. This letter is to provide an update to that request.

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

While the Phillips 66 Sweeny Refinery initially anticipated in its April 16, 2020 request that all BWON-related activities at the facility were likely to be impacted by the COVID-19- response measures, all of the BWON related tasks were completed fully and on-time with the exception of one task. Only one BWON issue was impacted by the COVID-19 response measures and are identified in the following table. This item has now been fully addressed. For the delay associated with the one item, the Phillips 66 Sweeny Refinery 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 BWON contractors.

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

Sincerely,


Vivek Gopal

Environmental Director

Item	Summary of Issues	Rule or Permit Provision	Inspection Due Date	Corrective Action Plan	Actual Inspection Date	Status
1	127 total flow indicators on junction boxes missed the weekly inspection. Below is a list of units with the number of flow indicators.	40 CFR 61.346(b)(2) (A)) 40 CFR 60.692-2 Consent Decree 221 (c)	3/27/2020	The flow indicator inspections were completed as quickly as possible upon return of contractor.	4/1/2020	Complete
	Unit 3: 7		3/27/2020		4/1/2020	
	Unit 4: 1		3/27/2020		4/1/2020	
	Unit 27.1: 14		3/27/2020		4/1/2020	
	Unit 27.2: 2		3/27/2020		4/1/2020	
	Unit 5: 2		3/27/2020		4/1/2020	
	Unit 6.1N: 1		3/27/2020		4/1/2020	
	Unit 28.1: 1		3/27/2020		4/1/2020	
	Unit 39: 1		3/27/2020		4/1/2020	
	Unit 29.1: 6		3/27/2020		4/1/2020	
	Unit 29.2: 8		3/27/2020		4/1/2020	
	Unit 9: 12		3/27/2020		4/1/2020	
	Unit 25.1: 5		3/27/2020		4/1/2020	
	Unit 25.2: 3		3/27/2020		4/1/2020	
	Unit 26.1: 22		3/27/2020		4/1/2020	
	Unit 26.2: 10		3/27/2020		4/1/2020	
	Unit 7: 2		3/27/2020		4/1/2020	
	Unit 11: 5		3/27/2020		4/1/2020	
	Unit 14: 6		3/27/2020		4/1/2020	
	Unit 15: 7		3/27/2020		4/1/2020	
	Unit 17: 2		3/27/2020		4/1/2020	
	Unit 20: 4		3/27/2020		4/1/2020	
	Unit 56: 2		3/27/2020		4/1/2020	
	Unit 56.1: 1		3/27/2020		4/1/2020	
	Unit 68.1: 2		3/27/2020		4/1/2020	
	Unit 51: 1		3/27/2020		4/1/2020	