

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) - Update P66 Sweeny
Date: Wednesday, May 27, 2020 10:43:29 AM
Attachments: [Scan Bryant, Nekilea T 15 25 45-26 05 2020.pdf](#)

Good morning, Mr. Bryant:

Your request for enforcement discretion for LDAR-related activities that were completed after their due dates in the first and second quarters of 2020 at Phillips 66 Company, Sweeny Refinery, 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 3:32 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) - Update

Mr. Garcia,

Please find attached the Phillips 66 Sweeny Refinery 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 0481

May 20, 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
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 March 25, 2020. The request for enforcement discretion related to LDAR monitoring at the Phillips 66, 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.

Phillips 66 Sweeny Refinery 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. Phillips 66 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 Sweeny Refinery 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, four of the seven LDAR-related tasks were completed fully and on-time. Only three 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 delays associated with three items, Phillips 66 Sweeny Refinery requests enforcement discretion because these items were completed after their due date in the first and second quarters 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
 Sweeny Refinery, RN101619179

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 27.2 - 7 components were identified to have late first repair times.	40 CFR 60.482-7(d)(1)(2))	3/24/2020	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
	Unit 27.1 - 6 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	3/25/2020		3/30/2020	
	Unit 27.2 - 1 component was identified to have late first repair time	40 CFR 60.482-7(d)(1)(2))	3/25/2020		3/30/2020	
	Unit 35 - 2 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	3/25/2020		3/30/2020	
	Unit 87 - 3 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	3/25/2020		3/30/2020	
	27.2 - 10 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	3/28/2020		3/30/2020	
	Unit 29.1 - 2 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	4/21/2020		4/24/2020	
	Unit 68.1 - 1 component was identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	4/21/2020		4/24/2020	
2	Unit 87 - 1 component was identified to have late final repair times.	40 CFR 60.482-7(d)(1)(2))	3/25/2020	The first attempt at repair was completed within the 5-day timeframe. The final repairs to be performed as quickly as possible upon	3/30/2020	Complete
	Unit 35 - 1 component was identified to have late final repair times	40 CFR 60.482-7(d)(1)(2))	3/27/2020		3/30/2020	

Environmental, Health, and Safety Enforcement Discretion Update
 COVID-19 Enforcement Discretion
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 Sweeny Refinery, RN101619179

	Unit 68.1 – 1 component was identified to have late final repair times	40 CFR 60.482-7(d)(1)(2))	3/27/2020	return of the contractor.	3/30/2020	
	Unit 29.1 - 1 component was identified to have late final repair times	40 CFR 60.482-7(d)(1)(2))	4/20/2020		4/24/2020	
3	Unit 9 - 254 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	3/30/2020	The new components were tagged and the initial monitoring was performed as quickly as possible upon return of the contractor.	4/6/2020	Complete
	Unit 68.2 - 2 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	3/26/2020		4/2/2020	
	Unit 27.1 - 111 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	4/8/2020		4/14/2020	
	Unit 27.1 - 7 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	4/8/2020		4/28/2020	
	Unit 27.1 - 1059 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	4/8/2020		4/30/2020	
	Unit 27.1 - 66 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	4/8/2020		5/4/2020	
	Unit 27.1 - 416 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	4/8/2020		5/5/2020	
	Unit 27.1 - 271 new components were due for tagging/initial monitoring	40 CFR 60.482-7(a)(2i);30 TAC 115.354(11)	4/8/2020		5/6/2020	

