

**From:** [Jonathan Walling](#)  
**To:** [Gopal, Vivek](#)  
**Cc:** [Bryant, Nekilea T](#); [Smith, Serena](#); [Jaini, Vinod K](#); [OCE](#)  
**Subject:** Sweeny Refinery COVID Enforcement Discretion Request 06162020)- Supplemental for Tank Refilling  
**Date:** Thursday, June 18, 2020 4:04:58 PM  
**Attachments:** [Sweeny Refinery COVID Enforcement Discretion Request\(06162020\).pdf](#)

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Good afternoon, Mr. Gopal:

Since Phillips 66 originally submitted the notification to refill tank 96 30-days in advance of the planned activity, the TCEQ will exercise enforcement discretion for the new notification not being made 30 days in advance. Please amend and submit a new notification of the activity with a tank filling date of June 22, 2020. The notice shall be made by close of business on June 19, 2020. If the tank is unable to be filled on June 22, 2020 due to unforeseen circumstances, a new request for enforcement discretion must be provided for consideration.

Please note that this 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.

A copy of this correspondence should be maintained with your records.

Regards,

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

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**From:** Gopal, Vivek <[REDACTED]>  
**Sent:** Wednesday, June 17, 2020 4:52 PM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>; Bryant, Nekilea T <[REDACTED]>  
Smith, Serena <[REDACTED]> Jaini, Vinod K <[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** RE: Sweeny Refinery COVID Enforcement Discretion Request 06162020)

The enforcement discretion request is for not being able to resubmit a 30 day notification before refilling the tank. We had originally submitted a notification on Feb 7<sup>th</sup> to refill the tank on March 7<sup>th</sup> and we couldn't meet that due to COVID related issues. Our current plan is to refill the tank the week of June 22<sup>nd</sup>. This is a more specific request for one particular tank and I am not sure if a date has to be tied to this request.

If that is a requirement, may I request discretion through June 30<sup>th</sup>?

Regards.

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Sent:** Wednesday, June 17, 2020 4:21 PM  
**To:** Gopal, Vivek <[REDACTED]> Bryant, Nekilea T <[REDACTED]> Smith, Serena <[REDACTED]> Jaini, Vinod K <[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** [EXTERNAL]RE: Sweeny Refinery COVID Enforcement Discretion Request 06162020)

Thank you. For clarification, the enforcement discretion for the tank re-filling is only until June 22, 2020, correct?

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**From:** Gopal, Vivek <[REDACTED]>  
**Sent:** Wednesday, June 17, 2020 4:07 PM  
**To:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>; Bryant, Nekilea T <[REDACTED]> Smith, Serena <[REDACTED]> Jaini, Vinod K <[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** RE: Sweeny Refinery COVID Enforcement Discretion Request 06162020)

Jonathan,

Thank you very much for the prompt approval on LDAR. We had also requested discretion on refilling a tank which was delayed from the initial notification date (made in a timely manner) due to Covid related issues. Can you please look into this also?

Regards,

Vivek Gopal  
Environmental Director  
Phillips 66 – Sweeny Refinery

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**From:** Jonathan Walling <[jonathan.walling@tceq.texas.gov](mailto:jonathan.walling@tceq.texas.gov)>  
**Sent:** Wednesday, June 17, 2020 1:57 PM  
**To:** Bryant, Nekilea T <[REDACTED]> Gopal, Vivek <[REDACTED]> Smith, Serena <[REDACTED]> Jaini, Vinod K <[REDACTED]>  
**Cc:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Subject:** [EXTERNAL]Sweeny Refinery COVID Enforcement Discretion Request 06162020)

Good afternoon, Mr. Bryant:

Your request for enforcement discretion relating to 2<sup>nd</sup> quarter and June 2020 LDAR monitoring activities at Phillips 66 Company, Sweeny Refinery, as prescribed by 40 CFR subparts and 30 TAC 115,

is approved with the following qualifications:

- Enforcement discretion is limited to the Texas Commission on Environmental Quality. It does not limit EPA's ability to enforce federal regulations; and
- This enforcement discretion will be in effect until July 31, 2020. The required activities should be completed as soon as practicable, as conditions allow, before this date. Should an extension beyond this be needed, please re-submit your request.

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.

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

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**From:** Bryant, Nekilea T <[REDACTED]>  
**Sent:** Tuesday, June 16, 2020 10:28 AM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Cc:** Gopal, Vivek <[REDACTED]> Smith, Serena <[REDACTED]> Jaini, Vinod K <[REDACTED]>  
**Subject:** Sweeny Refinery COVID Enforcement Discretion Request 06162020)

Mr. Garcia,

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

June 16, 2020

**VIA EMAIL: [OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov) and [Ramiro.garcia@tceq.texas.gov](mailto:Ramiro.garcia@tceq.texas.gov)**

**CERTIFIED MAIL: 7016 0340 0000 3595 0702**

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, The Sweeny Refinery has identified a presumptive COVID-19 positive contractor on the LDAR monitoring team. The Sweeny Refinery is taking steps to limit any additional exposure for and from these individuals. As a result, additional LDAR-related activities that are normally conducted by these contractors is 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 LDAR-associated activity will be conducted as soon as practicable once normal staffing of LDAR-related activities resumes.

Additionally, consistent with 40 CFR§60.113b(a)(5), Phillips 66 is submitting an amended notice that tank 68-95-96 will be refilled on 6/22/2020 instead of 7/12/2020. Originally the notice for this activity was submitted on 2/7/2020 with an estimated completion of fill date of 3/7/2020. Phillips 66 experienced unforeseen delays and obstacles in connection with much needed additional surface coating and COVID 19 related issues. The COVID 19 issues revolved around retaining minimal workforce onsite in order to

minimize viral impacts. As a result of the unforeseen emergence of COVID 19 issues and the lack maintenance of workforce on site, the tank coating was not completed on the original schedule. Due to urgent operational challenges, we will amend the June 12,2020, 30-day notice letter to put the tank in service on 7/12/2020. The tank is now planned to be refilled on June 22, 2020.

Regulatory provisions subject to this enforcement discretion request include:

1. Periodic certification and reporting:
  - a. Deferred filing of LDAR periodic reports  
(30 TAC 115.786(c), 40 CFR 61.1575)
2. Fugitive Leak Detection and Repair (LDAR):
  - a. Deferred LDAR monitoring
    - i. Quarterly monitoring for Q2 2020  
(30 TAC 115.354(2))
    - ii. June monthly monitoring  
(30 TAC 115.354(11), 40 CFR 60.482-2a, 40 CFR 60.482-7(a)(1))
    - iii. Audio, visual, olfactory monitoring  
(30 TAC 115.352(2))
    - iv. Relief valve monitoring  
(30 TAC 115.351(2)(D))
  - b. Late repair times  
(40 CFR 60.482-7(d)(1)(2))
  - c. Late recheck of LDAR component after monitoring  
(40 CFR 60.482-7(d)(1)(2))
  - d. Late new-component tagging within 30 days  
(30 TAC 115.354(11))
3. Refilling Tank 96:
  - a. Amended 30-day notice  
(40 CFR 60.113b(a)(5))

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