

**From:** [Jonathan Walling](#)  
**To:** [REDACTED]  
**Cc:** [Gopal, Vivek](#); [Smith, Serena](#); [OCE](#)  
**Subject:** Phillips 66 Terminals - Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)  
**Date:** Friday, March 27, 2020 12:20:52 PM  
**Attachments:** [08\\_P66 Terminals COVID Enforcement Discretion Request - LDAR.pdf](#)

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Good afternoon, Mr. Bryant:

Your request for enforcement discretion relating to LDAR monitoring, as prescribed by 40 CFR subparts and 30 TAC 115, at Phillips 66 Company Terminals (Freeport Terminal, Jones Creek Terminal, San Bernard Terminal) 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 May 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.

Regards,

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

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**From:** Bryant, Nekilea T <[REDACTED]>  
**Sent:** Thursday, March 26, 2020 5:56 PM  
**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]>  
**Subject:** Phillips 66 Terminals - Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)

Mr. Garcia,

Please find attached the Phillips 66 Terminals 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

March 26, 2020

**VIA EMAIL: [OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov) and [Ramiro.garcia@tceq.texas.gov](mailto: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  
Freeport Terminal, RN100221134  
Jones Creek Terminal, RN10022118  
San Bernard Terminal, RN100221092

Dear Mr. Garcia:

On behalf of Phillips 66 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 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 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.

Phillips 66 has identified a presumptive COVID-19 positive contractor with supervisory duties over an LDAR monitoring team. Phillips 66 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, Phillips 66 seeks enforcement discretion for the non-exclusive list of provisions and activities set forth below. This list may be revised as the response develops. Phillips 66 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 LDAR-associated activity will be conducted as soon as practicable once normal staffing of LDAR-related activities resumes.

1. Deferred filing of periodic reports:

*(40 CFR 61.247(b))*

2. Fugitive Leak Detection and Repair (LDAR):
  - a. Deferred LDAR monitoring
    - i. Quarterly monitoring for Q1 2020  
*(30 TAC 115.354(2))*
    - ii. April 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))*

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