

From: [Jonathan Walling](#)
To: [Bryant, Nekilea T](#); [Gopal, Vivek](#); [Smith, Serena](#)
Cc: [OCE](#)
Subject: Phillips 66 Terminals - Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)
Date: Wednesday, May 27, 2020 5:25:29 PM
Attachments: [Scan Bryant, Nekilea T 15 37 59-26 05 2020.pdf](#)

Good afternoon, Mr. Bryant:

Your request for enforcement discretion for LDAR-related activities that were completed after their due date in the first quarter of 2020 at Phillips 66 Company, Freeport Terminal, as prescribed by 40 CFR subparts and 30 TAC 115, is approved. It is the TCEQ's understanding that initial 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. As a point of clarification, the attached letter also references the Jones Creek Terminal and San Bernard Terminal, but activities at these terminals were completed on-time, as you indicated in our earlier conversations. This enforcement discretion is only applicable to the Freeport Terminal.

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 3:41 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <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 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 #7018 1830 0000 7944 9975

May 14, 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
Freeport Terminal, RN100221134
Jones Creek Terminal, RN10022118
San Bernard Terminal, RN100221092

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 requested enforcement discretion as a result of the novel coronavirus (COVID-19) on March 25, 2020 at its Freeport Terminal, Jones Creek Terminal, and San Bernard Terminal. 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.

The Phillips 66 Freeport, Jones Creek, and San Bernard Terminals 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 Phillips 66 Freeport, Jones Creek, and San Bernard Terminals 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, five of the seven LDAR-related tasks were completed fully and on-time. Only two 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 respective five- and four-day delays associated with two items, the Phillips 66 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 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
 Freeport Terminal, RN100221134
 Jones Creek Terminal, RN10022118
 San Bernard Terminal, RN100221092

Sincerely,



Vivek Gopal
 Environmental Director

Item	Summary of Issues	Rule or Permit Provision	Repair Due Date	Corrective Action Plan	Actual Repair Date	Status
1	Freeport Terminal Unit 85 - 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	3/31/2020	Complete
	Freeport Terminal Unit 85- 3 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	3/25/2020		3/31/2020	
	Freeport Terminal Unit 85- 3 components were identified to have late first repair times	40 CFR 60.482-7(d)(1)(2))	3/28/2020		3/31/2020	
2	Freeport Terminal Unit 85- 3 components were 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 return on the contractor.	3/31/2020	Complete
	Freeport Terminal Unit 85- 10 components were identified to have late final repair times		3/26/2020		3/31/2020	
	Freeport Terminal Unit 85- 2 components were identified to have late final repair times		3/27/2020		3/31/2020	

Item	Summary of Issues	Rule or Permit Provision	Repair Due Date	Corrective Action Plan	Actual Repair Date	Status
1	Jones Creek Terminal – Unit 90	N/A	N/A	N/A	N/A	N/A

Environmental, Health, and Safety Enforcement Discretion Update
COVID-19 Enforcement Discretion
Phillips 66 Company, CN604065912
Freeport Terminal, RN100221134
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Item	Summary of Issues	Rule or Permit Provision	Repair Due Date	Corrective Action Plan	Actual Repair Date	Status
1	San Bernard Terminal – Unit 89	N/A	N/A	N/A	N/A	N/A

