

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-0891-AIR-E **TCEQ ID NO.:** RN100238708 **CASE NOS.:** 16524, 28710 AND 27016
RESPONDENT NAME: INNOVENE USA LLC F/K/A BP AMOCO CHEMICAL COMPANY D/B/A BP
AMOCO CHEMICAL CHOCOLATE BAYOU PLANT

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Two miles south of Farm-to-Market Road 2917 on FM 2004, Alvin, Brazoria County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 6, 2006. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. Bryan Elliot, Air Enforcement Section, MC 149, (512) 239-6162 Mr. Jorge Ibarra, Air Enforcement Section, MC R-4, (817) 588-5890 Ms. Rebecca Johnson, Air Enforcement Section, MC R-12, (713) 422-8931 Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938 TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637 Respondent: Mr. John Harvey III, Site Director, Ineos Olefins & Polymers USA, 2 Miles South of FM 2917 on FM 2004, Alvin, Texas 77511 Respondent's Attorney: Ms. Jennifer Keane, Baker Botts, L.L.P., 1500 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701-4078</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 22, 2003, August 3, 2004, October 5, 2004, October 11, 2004, October 12, 2004 and February 22, 2005</p> <p>Date of NOEs Relating to this Case: May 26, 2004, August 4, 2004, January 11, 2005, January 16, 2005, February 27, 2005, May 1, 2005, June 7, 2005, September 16, 2005, November 12, 2005 and March 3, 2006</p> <p>Background Facts: This is an air case involving emission events. The EDPRP was filed on January 1, 2005, and the answer was filed on February 1, 2005. The ED referred the case to SOAH on March 1, 2005. A preliminary hearing was held on June 23, 2005. Discovery was exchanged on August 23, 2005. The case was abated because the plant was shutdown due to Hurricanes Katrina and Rita evacuation procedures. Additional violations were documented and included. Four other cases were eventually rolled into the order with violations discovered up to the Spring 2006. The last of these cases was referred to the Litigation Division in May 2006. The Agreed Order was signed on June 16, 2006 for full penalties.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>1. Failed to prevent the unauthorized emission of 4283 pounds (lbs) of 1,3 butadiene, 27,723 lbs of ethylene, 4892 lbs of propylene, 1630 lbs of propane, 1764 lbs of butane, 30,968 lbs of carbon monoxide, 451 lbs nitrogen dioxide, and 3626 lbs of nitrogen oxide from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003 [30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 95, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$57,200</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$28,600</p> <p>Total Paid to General Revenue: \$28,600</p> <p>The Respondent has paid \$28,600 of the administrative penalty. The remaining amount of \$28,600 of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: The Respondent has had more than three repeated enforcement actions for the same violation over the prior five year period.</p>	<p>Technical Requirements</p> <p>These violations were past events with no opportunity for compliance.</p> <p>Ordering Provision</p> <p>The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>2. Failed to prevent the unauthorized emission of 560.1 lbs of 1,3 butadiene when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to prevent the unauthorized emission of 13,531 lbs of ethylene, 1195 lbs of propylene, 869 lbs of 1,3 butadiene, 236 lbs of acetylene, 237 lbs of butene from the Olefins 2 Unit and 380 lbs of Propane, 18,466 of carbon monoxide, and 2458 lbs of nitrogen oxides from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004 [Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4. Failed to prevent the unauthorized emission of 1996 pounds of propylene emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004 [NSR Permit No. 19868, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to prevent the unauthorized emission of 18,540 lbs of ethylene, 6100 lbs of propylene, 1440 lbs of propane, 1226 lbs of 1,3 butadiene, 1041 lbs of butenes/butanes from the Olefins 1 Unit and 25,702 lbs of carbon monoxide, 378 lbs nitrogen dioxide, and 3043 lbs of nitrogen monoxide from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline; thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004 [Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to prevent the unauthorized emission of 8378 lbs of ethylene, 6978 lbs of carbon monoxide, and 929 lbs of nitrogen oxides from the Olefins 1 Flare when BP failed to control the carbon monoxide concentration and temperature in the</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004 [Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to prevent the unauthorized emission of 124 lbs of 1,3- butadiene, 7848 lbs of ethylene, 114 lbs of pentene, 52 lbs of propane, 260 lbs of propylene, 6941 of carbon monoxide, 104 lbs of nitrogen dioxide, and 834 lbs of nitrogen monoxide when BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004 [Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

Screening Date 18-Jun-2004	Docket No. 2004-0891-AIR-E	PCW
Respondent BP Amoco Chemical Company dba BP Amoco Chemical Chocolate Bayou Plant		ember 2002)
Case ID No. 16524		PCW Revision May 17, 2004
Reg. Ent. Reference No. RN100238708		
Additional ID No(s). 0		
Media [Statute] Air Quality		
Enf. Coordinator Jorge Ibarra, P.E.		
Site Address	2 miles south of Farm-to-Market Road (FM) 2917 on FM 2004, Alvin, Brazoria County	

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 58%

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The respondent has 8 NOVs for same or similar violations and 13 NOVs for non-similar violations of which 6 were self-reported. The respondent submitted 6 notices of audit and disclosed violations on one audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 58%

Screening Date 18-Jun-2004

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company dba BP Amoco Chemical Chocolate Bayou Plant

ember 2002)

Case ID No. 16524

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100238708

Additional ID No(s) 0

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Air Flexible Permit No. 95, Special Condition No. 1

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent the unauthorized excessive emissions of 4,283 pounds (lbs) of 1,3 butadiene, 27,723 lbs of ethylene, 4,892 lbs of propylene, 1,630 lbs of propane, 1,764 lbs of butane, 30,968 lbs of carbon monoxide, 451 lbs nitrogen dioxide, and 3,626 lbs of nitrogen oxide from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent <input type="text" value="50%"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input type="text"/>

Matrix Notes Failure to prevent unauthorized emissions resulted in the exposure of a significant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty

One event is recommended for the emissions event as documented during the May 22, 2003 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company dba BP Amoco Chemical Chocolate Bayou Plant
 Case ID No. 16524
 Reg. Ent. Reference No. RN100238708
 Additional ID No(s). 0
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	01-Apr-2004	03-Apr-2004	0.0	\$0	\$5,000	\$5,000

Notes for AVOIDED costs

The estimated cost of \$5000 is to develop and implement procedures to prevent electrical shorts in the thermocouple wiring of the Cogeneration Unit. Date required is based on the beginning date of the emissions event. Final date is based on the end date of the emissions event.

Approx. Cost of Compliance

TOTAL

Compliance History

Company: Customer/Respondent/Owner-Operator: CN600126775 BP Amoco Chemical

Classification: AVERAGE Rating: 1.400

AVERAGE Regulated Entity: RN100238708 BP AMOCO CHEMICAL Classification:

Site Rating: 0.64

CHOCOLATE BAYOU PLANT

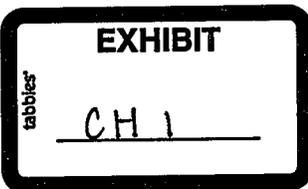
ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30042
AIR OPERATING PERMITS	PERMIT	2327
AIR OPERATING PERMITS	PERMIT	1353
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
WASTEWATER	PERMIT	TPDES0004821
WASTEWATER	PERMIT	WQ0001333000
AIR NEW SOURCE PERMITS	PERMIT	53841
AIR NEW SOURCE PERMITS	PERMIT	50506
AIR NEW SOURCE PERMITS	PERMIT	P793
AIR NEW SOURCE PERMITS	PERMIT	P983
AIR NEW SOURCE PERMITS	REGISTRATION	71820
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12999
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200132
WATER LICENSING	LICENSE	0200132
AIR NEW SOURCE PERMITS	PERMIT	PSDTX983
AIR NEW SOURCE PERMITS	PERMIT	48637
AIR NEW SOURCE PERMITS	PERMIT	46192
AIR NEW SOURCE PERMITS	PERMIT	46147
AIR NEW SOURCE PERMITS	PERMIT	35735
AIR NEW SOURCE PERMITS	PERMIT	19868
AIR NEW SOURCE PERMITS	PERMIT	12953
AIR NEW SOURCE PERMITS	PERMIT	12709
AIR NEW SOURCE PERMITS	PERMIT	12136
AIR NEW SOURCE PERMITS	PERMIT	11539
AIR NEW SOURCE PERMITS	PERMIT	11060
AIR NEW SOURCE PERMITS	PERMIT	10906
AIR NEW SOURCE PERMITS	PERMIT	10465
AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
AIR NEW SOURCE PERMITS	PERMIT	9517
AIR NEW SOURCE PERMITS	PERMIT	7196
AIR NEW SOURCE PERMITS	PERMIT	5550
AIR NEW SOURCE PERMITS	PERMIT	5419
AIR NEW SOURCE PERMITS	PERMIT	4882
AIR NEW SOURCE PERMITS	PERMIT	3053
AIR NEW SOURCE PERMITS	PERMIT	2866C
AIR NEW SOURCE PERMITS	PERMIT	2866B
AIR NEW SOURCE PERMITS	PERMIT	2866A
AIR NEW SOURCE PERMITS	PERMIT	2799
AIR NEW SOURCE PERMITS	PERMIT	2798A
AIR NEW SOURCE PERMITS	PERMIT	2798
AIR NEW SOURCE PERMITS	PERMIT	1611
AIR NEW SOURCE PERMITS	PERMIT	1041
AIR NEW SOURCE PERMITS	PERMIT	617
AIR NEW SOURCE PERMITS	PERMIT	491A
AIR NEW SOURCE PERMITS	PERMIT	489
AIR NEW SOURCE PERMITS	PERMIT	488A
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
AIR NEW SOURCE PERMITS	AFS NUM	0014
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S
AIR NEW SOURCE PERMITS	PERMIT	55980
AIR NEW SOURCE PERMITS	PERMIT	101
AIR NEW SOURCE PERMITS	PERMIT	95
AIR NEW SOURCE PERMITS	PERMIT	53419

Location:
Rating Date: 9/1/03 Repeat Violator: NO
Co TX.

2 miles south of FM 2917 on FM 2004 near Alvin

Brazoria



TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 29, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 28, 1999 to June 28, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Catherine Sherman Phone: 713-767-3624

Site Compliance History Components

year compliance period?

2. Has there been a (known) change in ownership of the site during the compliance period?

1. Has the site been in existence and/or operation for the full five
Yes

Yes

3. If Yes, who is the current owner? N/A

4. If Yes, who was/were the prior owner(s)? N/A

5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

2 07/23/2001 (157609)
4 05/25/2001 (135774)
6 07/25/2002 (157610)
8 08/16/2002 (8300)
10 07/21/2003 (157611)
12 07/12/2001 (135775)
14 08/17/2000 (157612)
16 07/12/2001 (135776)
18 07/13/2001 (135777)
20 08/20/2001 (157613)
22 09/19/2002 (000000000005424)
24 08/06/2001 (135778)
26 08/06/2001 (135779)
28 08/06/2001 (135780)
30 08/27/2002 (9360)
32 08/06/2001 (135781)
34 08/23/2002 (157614)
36 08/06/2001 (135782)
38 08/06/2001 (135783)
40 08/16/2001 (135784)
42 10/12/2000 (157615)
44 05/21/2004 (000000000060492)
46 08/16/2001 (135785)
48 01/24/2003 (000000000019428)
50 08/20/2001 (135786)
52 09/24/2001 (157616)
54 08/20/2001 (135787)
56 08/21/2001 (135788)

58 08/31/2001 (135789)
60 10/08/2001 (135790)
62 09/23/2002 (157617)
64 11/06/2001 (135791)
66 11/19/2001 (135792)
68 10/23/2000 (157618)
70 11/19/2001 (135793)
72 06/29/2003 (00000000034948)
74 11/26/2001 (135794)
76 11/01/2001 (157619)
78 11/28/2001 (135795)
80 05/24/2002 (1619)
82 11/29/2001 (135796)
84 06/13/2002 (2409)
86 05/12/2003 (00000000028018)
88 10/21/2002 (157620)
90 11/29/2001 (135797)
92 11/30/2001 (135798)
94 10/22/1999 (157621)
96 03/28/2003 (27751)
98 12/03/2001 (135799)
100 08/16/2002 (7788)
102 07/10/2003 (45940)
104 06/13/2002 (2408)
106 11/27/2000 (157622)
108 12/27/2001 (135800)
110 01/23/2002 (135801)
112 02/01/2002 (135802)
114 11/26/2001 (157623)
116 02/08/2002 (135803)
118 01/28/2004 (257699)
120 02/11/2002 (135804)
122 08/26/2002 (9371)
124 11/25/2002 (157624)
126 02/11/2002 (135805)
128 02/26/2002 (135806)
130 04/25/2003 (33704)
132 02/26/2002 (135807)
134 11/22/1999 (157625)
136 02/27/2002 (135808)
138 11/18/2003 (255236)
140 03/06/2002 (135809)
142 03/07/2002 (135810)
144 12/18/2000 (157626)
146 09/17/2003 (248915)
148 03/14/2002 (135811)
150 03/14/2002 (135812)
152 12/27/2001 (157627)
154 02/07/2003 (22862)
156 03/21/2002 (135813)
158 03/29/2002 (135814)
160 07/25/2002 (5865)
162 12/27/2002 (157628)
164 04/02/2002 (135815)
166 04/17/2002 (135816)
168 06/15/2004 (272258)
170 12/21/1999 (157629)
172 04/29/2002 (135817)
174 04/29/2002 (135818)
176 05/09/2002 (135819)
178 01/23/2001 (157630)
180 01/23/2002 (157631)
182 05/10/2002 (135820)
184 08/12/2002 (6396)
186 05/10/2002 (135821)
188 03/11/2003 (26612)
190 01/24/2003 (157632)
192 05/10/2002 (135822)
194 05/14/2002 (135823)
196 01/24/2000 (157633)
198 05/14/2002 (135824)
200 11/20/2003 (255571)
202 05/16/2002 (135825)
204 05/16/2002 (135826)
206 09/22/2003 (00000000150004)

208 04/14/2003 (31828)
210 05/16/2002 (135827)
212 05/16/2002 (135828)
214 05/16/2002 (135829)
216 05/16/2002 (135830)
218 07/10/2003 (45285)
220 08/06/2002 (6980)
222 05/18/2002 (135831)
224 12/23/2002 (14911)
226 05/18/2002 (135832)
228 05/28/2002 (135833)
230 05/30/2002 (135834)
232 09/20/2000 (246529)
234 12/12/1999 (135745)
236 05/30/2002 (135835)
238 06/10/2002 (135836)
240 11/18/2002 (13920)
242 01/03/2003 (000000000016037)
244 06/12/2002 (135837)
246 07/24/2002 (135838)
248 08/23/2002 (000000000004068)
250 03/11/2003 (21022)
252 06/19/2003 (40960)
254 10/17/2003 (248985)
256 05/01/2000 (246528)
258 01/09/2003 (13376)
260 03/12/2003 (25569)
262 07/10/2003 (43553)
264 02/13/2001 (246527)
266 06/11/2003 (17426)
268 08/04/2003 (144302)
270 01/03/2002 (246526)
272 07/20/2000 (135746)
274 07/30/2003 (000000000114223)
276 08/01/2000 (135747)
278 09/17/2003 (248837)
280 04/17/2000 (157588)
282 02/19/2003 (23138)
284 02/16/2001 (157589)
286 02/22/2002 (157590)
288 02/20/2003 (157591)
290 07/31/2002 (3028)
292 08/16/2002 (7757)
294 03/19/2001 (157592)
296 03/18/2002 (157593)
298 08/07/2000 (135748)
300 08/21/2000 (135749)
302 03/24/2003 (157594)
304 08/21/2000 (135750)
306 08/31/2000 (135751)
308 04/17/2000 (157595)
310 02/18/2003 (23956)
312 08/31/2000 (135752)
314 08/31/2000 (135753)
316 08/16/2000 (157596)
318 10/20/2000 (135754)
320 04/16/2001 (157597)
322 10/31/2000 (135755)
324 01/12/2004 (253433)
326 11/13/2000 (135756)
328 02/15/2001 (40095)
330 11/13/2000 (135757)
332 05/12/2003 (000000000028024)
334 04/18/2002 (157598)
336 11/14/2003 (252631)
338 01/29/2001 (135758)
340 08/16/2002 (6072)
342 11/29/2000 (135759)
344 04/17/2003 (157599)
346 11/29/2000 (135760)
348 11/25/2002 (17129)
350 02/16/2001 (135761)
352 08/16/2000 (157600)
354 02/28/2001 (135762)
356 05/23/2001 (157601)

358 03/05/2001 (135763)
 360 03/23/2001 (135764)
 362 05/17/2002 (157602)
 364 03/23/2001 (135765)
 366 03/23/2001 (135766)
 368 05/22/2003 (157603)
 370 04/05/2001 (135767)
 372 04/24/2001 (135768)
 374 08/16/2000 (157604)
 376 04/26/2001 (135769)
 378 05/01/2001 (135770)
 380 05/10/2001 (135771)
 382 06/18/2001 (157605)
 384 05/10/2001 (135772)
 386 06/24/2002 (157606)
 388 03/28/2003 (23681)
 390 08/28/2003 (152166)
 392 06/24/2003 (157607)
 394 05/15/2001 (135773)
 396 08/16/2000 (157608)

N/A

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/04/2001 (135773)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET REPORTS LATE TO

Date: 05/31/2001 (135774)
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115[c]
 Rqmt Prov: OP IA
 Description: Failure to Comply

Date: 07/31/2001 (157613)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2001 (157616)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (23681)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(c)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: The maintenance event and resulting unauthorized emissions were the result of human error during previous periodic maintenance. The ME emissions could have been prevented by proper planning.

Date: 08/12/2003 (114223)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Avoidable emissions event

Date: 10/31/2002 (157624)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/1999 (157629)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/09/2002 (135819)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: VIOL OF TNRCC FLEX 30

Date: 12/31/1999 (157633)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/20/2000 (246529)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 12/10/1999 (135745)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
 Rqmt Prov: OP IA
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)[G]
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(C)[G]
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(C)[G]
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
 Rqmt Prov: OP IA
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: Failure to Comply

Date: 05/01/2000 (246528)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/23/2002 (4068)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Violation of 30 Tex. Admin. Code 116.115(c), category B13.

Date: 02/13/2001 (246527)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/03/2002 (246526)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/01/2000 (135747)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: SPECIAL PERMIT CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter B 111.201
 Description: GENERAL INFO CONDITION
 Date: 09/23/2002 (5424)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 TEXAS HEALTH AND SAFETY CODE 382.085
 Description: Violation of Tex. Admin. Code 116.115(c) which requires the holders of the permit to comply with all conditions

of the permit.

Date: 01/31/2002 (157590)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/22/2003 (150004)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
 Description: Failed to maintain flame at all times on flare GM-1401.
 Date: 05/04/2001 (135772)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: UPSET DID NOT MEET EXE

F. Environmental audits.

Notice of Intent Date: 11/06/2002
 No DOV Associated
 Citation: No Classification

Description:
 Notice of Intent Date: 09/10/2001
 No DOV Associated
 Citation: No Classification

Description:
 Notice of Intent Date: 07/18/2002
 Disclosure Date: 01/24/2003
 Citation: Viol. Classification: Moderate

Disclosure Date: 12/18/2003
 Citation: Viol. Classification: Moderate

Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 11/06/2002
 No DOV Associated
 Citation: No Classification

Description:
 Notice of Intent Date: 02/12/2004

No DOV Associated

Citation:

No Classification

Description:

Notice of Intent Date: 02/12/2004

No DOV Associated

Citation:

No Classification

Description:

Notice of Intent Date: 02/19/2004

No DOV Associated

Citation:

No Classification

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

DATES	Assigned	03-Jan-2005	Screening	12-Jan-2005	Priority Due	04-Mar-2005	EPA Due	06-Oct-2005
	PCW	15-Jul-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	BP Amoco Chemical Company
Reg. Ent. Ref. No.	RN100238708
Additional ID No(s)	Air Account No. BL0002S
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	16524	No. of Violations	2
Docket No.	2004-0891-AIR-E	Order Type	Findings
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Kimberly Morales
Media Program(s)	Air Quality	EC's Team	Enforcement Team 6
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7**

Notes
An enhancement is recommended because the Respondent has eleven prior NOV's for same or similar violations, ten prior NOV's for unrelated violations, two prior final enforcement orders containing a denial of liability, and six Letters of Intent with two Disclosures of Violations for environmental audits. See attached compliance history for specific dates.

Culpability **Subtotal 4**

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with a small x)

Notes
The violations involve past events with no opportunity to comply.

Economic Benefit **Subtotal 6**

Total EB Amounts	<input type="text" value="\$1,000"/>	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	<input type="text" value="\$1,000"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

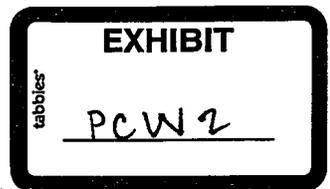
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral offered with a Findings Order.

PAYABLE PENALTY



Screening Date 12-Jan-2005 **Docket No.** 2004-0891-AIR-E **PCW**
Respondent BP Amoco Chemical Company *ember 2002)*
Case ID No. 16524 *PCW Revision December 10, 2004*
Reg. Ent. Reference No. RN100238708
Additional ID No(s). Air Account No. BL0002S
Media [Statute] Air Quality
Enf. Coordinator Kimberly Morales
Site Address Two Miles South of Farm-to-Market 2917 on Farm-to-Market 2004, Alvin, Brazoria County

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 105%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

An enhancement is recommended because the Respondent has eleven prior NOVs for same or similar violations, ten prior NOVs for unrelated violations, two prior final enforcement orders containing a denial of liability, and six Letters of Intent with two Disclosures of Violations for environmental audits. See attached compliance history for specific dates.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 105%

Screening Date 12-Jan-2005

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

ember 2002)

Case ID No. 16524

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100238708

Additional ID No(s). Air Account No. BL0002S

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

The Respondent failed to obtain a permit prior to the release of emissions, as documented during a compliance investigation conducted on August 3, 2004. Specifically, the release was caused by a drain valve on Flare Knock-out Drum AD-1501 that was left open over a period of 1 hour starting May 3, 2004 which caused the release of 560.1 pounds of 1,3 butadiene. Since these emissions were avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended for the single emissions release that occurred starting on May 3, 2004, as documented during a compliance investigation conducted on August 3, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 16524
 Reg. Ent. Reference No. RN100238708
 Additional ID No(s). Air Account No. BL0002S
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$500	03-May-2004	03-May-2004	0.0	\$0	\$500	\$500

Notes for AVOIDED costs Estimated expense to monitor operations to avoid an unauthorized emissions event. Date required and final date based on the start date of the emissions event (May 3, 2004).

Approx. Cost of Compliance **\$500**

TOTAL \$500

Screening Date 12-Jan-2005

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

ember 2002)

Case ID No. 16524

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100238708

Additional ID No(s). Air Account No. BL0002S

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and TCEQ New Source Permit No. 19868
Special Condition No. 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

The Respondent failed to comply with the emissions limits stated in the Maximum Allowable Emissions Rates table (MAERT), as documented during a compliance investigation conducted on October 11, 2004. Specifically, the Respondent failed to prevent a seal failure on Quench Pump MG-251 over a period of 1 hour and 45 minutes on July 9, 2004 which resulted in the release of 1,996 pounds of propylene emissions that exceeded the 57.85 pounds/hour permit limitation. Since these emissions were avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended for the single emissions event that occurred starting on July 9, 2004, as documented during a compliance investigation conducted on October 11, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 16524
 Reg. Ent. Reference No. RN100238708
 Additional ID No(s). Air Account No. BL0002S
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$500	09-Jul-2004	09-Jul-2004	0.0	\$0	\$500	\$500

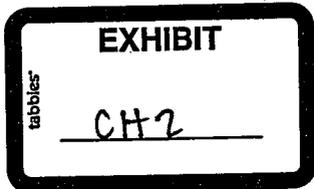
Notes for AVOIDED costs
 Estimated expense to monitor operations to avoid an unauthorized emissions event. Date required and final date based on the start date of the emissions event (July 9, 2004).

Approx. Cost of Compliance **\$500**

TOTAL \$500

Compliance History

Customer/Respondent/Owner-Operator:	CN600126775	BP Amoco Chemical Company	Classification: AVERAGE	Rating: 1.530
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 1.01
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID		TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50121
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30042
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT		50121
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT		50121
	AIR OPERATING PERMITS	PERMIT		2327
	AIR OPERATING PERMITS	PERMIT		1353
	AIR OPERATING PERMITS WASTEWATER	ACCOUNT NUMBER		BL0002S
	WASTEWATER	PERMIT		TX0004821
	WASTEWATER	PERMIT		TPDES0004821
	WASTEWATER	PERMIT		WQ0001333000
	AIR NEW SOURCE PERMITS	REGISTRATION		76826
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX983
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX793
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX854
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX642
	AIR NEW SOURCE PERMITS	REGISTRATION		76401
	AIR NEW SOURCE PERMITS	REGISTRATION		76394
	AIR NEW SOURCE PERMITS	REGISTRATION		74968
	AIR NEW SOURCE PERMITS	PERMIT		73038
	AIR NEW SOURCE PERMITS	PERMIT		P983
	AIR NEW SOURCE PERMITS	REGISTRATION		71820
	AIR NEW SOURCE PERMITS	REGISTRATION		12709
	AIR NEW SOURCE PERMITS	REGISTRATION		12136
	AIR NEW SOURCE PERMITS	REGISTRATION		11539
	AIR NEW SOURCE PERMITS	REGISTRATION		11060
	AIR NEW SOURCE PERMITS	REGISTRATION		10906
	AIR NEW SOURCE PERMITS	REGISTRATION		10465
	AIR NEW SOURCE PERMITS	REGISTRATION		53841
	AIR NEW SOURCE PERMITS	REGISTRATION		50506
	AIR NEW SOURCE PERMITS	REGISTRATION		55980
	AIR NEW SOURCE PERMITS	REGISTRATION		53419
	AIR NEW SOURCE PERMITS	REGISTRATION		12953
	AIR NEW SOURCE PERMITS	REGISTRATION		75399
	AIR NEW SOURCE PERMITS	REGISTRATION		75608
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		12999
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0200132
	WATER LICENSING	LICENSE		0200132
	AIR NEW SOURCE PERMITS	PERMIT		PSDTX983
	AIR NEW SOURCE PERMITS	PERMIT		48637
	AIR NEW SOURCE PERMITS	PERMIT		46192
	AIR NEW SOURCE PERMITS	PERMIT		46147
	AIR NEW SOURCE PERMITS	PERMIT		35735
	AIR NEW SOURCE PERMITS	PERMIT		19868
	AIR NEW SOURCE PERMITS	PERMIT		9517
	AIR NEW SOURCE PERMITS	PERMIT		7196
	AIR NEW SOURCE PERMITS	PERMIT		5419
	AIR NEW SOURCE PERMITS	PERMIT		4882
	AIR NEW SOURCE PERMITS	PERMIT		2866C
	AIR NEW SOURCE PERMITS	PERMIT		2798
	AIR NEW SOURCE PERMITS	PERMIT		1611
	AIR NEW SOURCE PERMITS	PERMIT		1041
	AIR NEW SOURCE PERMITS	PERMIT		617
	AIR NEW SOURCE PERMITS	PERMIT		491A
	AIR NEW SOURCE PERMITS	PERMIT		489
	AIR NEW SOURCE PERMITS	PERMIT		488A
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX854
	AIR NEW SOURCE PERMITS	AFS NUM		0014
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		BL0002S



AIR NEW SOURCE PERMITS	PERMIT	101
AIR NEW SOURCE PERMITS	PERMIT	95
AIR NEW SOURCE PERMITS	PERMIT	53419
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50121

Location: 2 miles south of FM 2917 on FM 2004 near Alvin Brazoria Co TX. Rating Date: 9/1/05 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 14, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 21, 2000 to January 21, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? BP Amoco Chemical Company
4. If Yes, who was/were the prior owner(s)? Solutia, Inc.
5. When did the change(s) in ownership occur? 09/03/2002

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 8/28/04 ADMINORDER 2004-0036-PST-E
 Classification: Minor
 Citation: 2D TWC Chapter 26, SubChapter A 26.346(a)
 30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)
 Description: Failure to ensure the timely renewal of a previously issued UST delivery certificate.
 Classification: Minor
 Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)
 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)
 Description: Failure to make available to a common carrier a valid and current TCEQ delivery certificate before accepting the delivery of a regulated substance into the UST system.

Effective Date: 8/30/04 ADMINORDER 2003-1280-AIR-E
 Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Citation: SC 1 PERMIT
 Description: Exceeded the volatile organic carbon maximum allowable emission rate for Flare DM-1101 on March 17, 2003. (Note mistake in order should be "compound" not "carbon")

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1.	07/23/2001	(157609)
2.	05/25/2001	(135774)
3.	07/25/2002	(157610)
4.	08/16/2002	(8300)
5.	07/21/2003	(157611)
6.	07/12/2001	(135775)
7.	08/17/2000	(157612)
8.	07/12/2001	(135776)
9.	07/13/2001	(135777)
10.	08/20/2001	(157613)
11.	09/19/2002	(5424)
12.	08/06/2001	(135778)
13.	08/06/2001	(135779)
14.	08/06/2001	(135780)
15.	08/27/2002	(9360)
16.	08/06/2001	(135781)
17.	08/23/2002	(157614)
18.	08/06/2001	(135782)
19.	08/06/2001	(135783)
20.	08/16/2001	(135784)
21.	10/12/2000	(157615)
22.	05/21/2004	(60492)
23.	08/16/2001	(135785)
24.	01/24/2003	(19428)
25.	08/20/2001	(135786)
26.	08/19/2003	(295179)
27.	09/24/2001	(157616)
28.	08/20/2001	(135787)
29.	08/21/2001	(135788)
30.	06/28/2004	(272032)
31.	12/13/2004	(338522)
32.	12/20/2004	(342723)
33.	08/31/2001	(135789)
34.	10/08/2001	(135790)
35.	09/23/2002	(157617)
36.	07/05/2004	(278334)
37.	11/06/2001	(135791)
38.	11/19/2001	(135792)
39.	10/23/2000	(157618)
40.	11/19/2001	(135793)
41.	09/15/2003	(295181)
42.	06/29/2003	(34948)
43.	11/26/2001	(135794)
44.	11/01/2001	(157619)
45.	12/28/2004	(288451)
46.	11/28/2001	(135795)
47.	05/24/2002	(1619)
48.	11/29/2001	(135796)
49.	06/13/2002	(2409)
50.	05/12/2003	(28018)
51.	08/30/2004	(250202)
52.	10/21/2002	(157620)
53.	11/29/2001	(135797)
54.	08/18/2004	(284687)
55.	11/30/2001	(135798)
56.	12/11/2004	(335356)
57.	03/28/2003	(27751)
58.	12/03/2001	(135799)
59.	08/16/2002	(7788)
60.	07/10/2003	(45940)
61.	06/13/2002	(2408)
62.	11/27/2000	(157622)
63.	12/27/2001	(135800)
64.	01/07/2005	(341099)
65.	01/23/2002	(135801)
66.	10/20/2003	(295183)
67.	02/01/2002	(135802)
68.	11/26/2001	(157623)
69.	02/08/2002	(135803)
70.	01/28/2004	(257699)
71.	02/11/2002	(135804)
72.	08/26/2002	(9371)

73.	11/25/2002	(157624)
74.	02/11/2002	(135805)
75.	02/26/2002	(135806)
76.	04/25/2003	(33704)
77.	11/21/2003	(295184)
78.	02/26/2002	(135807)
79.	01/06/2005	(337406)
80.	02/27/2002	(135808)
81.	11/08/2004	(336528)
82.	11/18/2003	(255236)
83.	03/06/2002	(135809)
84.	03/07/2002	(135810)
85.	12/18/2000	(157626)
86.	09/17/2003	(248915)
87.	03/14/2002	(135811)
88.	12/15/2003	(295185)
89.	03/14/2002	(135812)
90.	12/27/2001	(157627)
91.	02/07/2003	(22862)
92.	03/21/2002	(135813)
93.	11/14/2003	(295186)
94.	03/29/2002	(135814)
95.	07/25/2002	(5865)
96.	12/27/2002	(157628)
97.	04/02/2002	(135815)
98.	04/17/2002	(135816)
99.	06/15/2004	(272258)
100.	04/29/2002	(135817)
101.	04/29/2002	(135818)
102.	05/09/2002	(135819)
103.	01/23/2001	(157630)
104.	12/11/2004	(341906)
105.	01/23/2002	(157631)
106.	05/10/2002	(135820)
107.	08/12/2002	(6396)
108.	07/15/2004	(351989)
109.	05/10/2002	(135821)
110.	01/10/2005	(286887)
111.	03/11/2003	(26612)
112.	01/24/2003	(157632)
113.	05/10/2002	(135822)
114.	05/14/2002	(135823)
115.	01/24/2000	(157633)
116.	05/14/2002	(135824)
117.	11/20/2003	(255571)
118.	05/16/2002	(135825)
119.	08/16/2004	(351990)
120.	05/16/2002	(135826)
121.	09/22/2003	(150004)
122.	12/16/2004	(341903)
123.	04/14/2003	(31828)
124.	05/16/2002	(135827)
125.	12/28/2004	(287065)
126.	08/31/2004	(277083)
127.	05/16/2002	(135828)
128.	12/13/2004	(336245)
129.	05/16/2002	(135829)
130.	05/16/2002	(135830)
131.	09/23/2004	(351991)
132.	07/10/2003	(45285)
133.	08/06/2002	(6980)
134.	05/18/2002	(135831)
135.	12/23/2002	(14911)
136.	05/18/2002	(135832)
137.	05/28/2002	(135833)
138.	05/30/2002	(135834)
139.	09/20/2000	(246529)
140.	10/22/2004	(351992)
141.	05/30/2002	(135835)
142.	06/10/2002	(135836)
143.	11/18/2002	(13920)
144.	01/03/2003	(16037)
145.	06/12/2002	(135837)
146.	07/24/2002	(135838)
147.	08/23/2002	(4068)

148.	12/15/2004	(337091)
149.	11/23/2004	(351993)
150.	03/11/2003	(21022)
151.	06/19/2003	(40960)
152.	10/17/2003	(248985)
153.	08/05/2004	(287465)
154.	05/01/2000	(246528)
155.	01/09/2003	(13376)
156.	03/12/2003	(25569)
157.	07/10/2003	(43553)
158.	09/13/2004	(293314)
159.	02/13/2001	(246527)
160.	01/17/2005	(286916)
161.	02/13/2004	(333505)
162.	06/11/2003	(17426)
163.	08/04/2003	(144302)
164.	12/22/2004	(381804)
165.	01/20/2005	(381805)
166.	07/05/2004	(272798)
167.	01/03/2002	(246526)
168.	07/20/2000	(135746)
169.	07/30/2003	(114223)
170.	08/01/2000	(135747)
171.	09/17/2003	(248837)
172.	01/07/2005	(343281)
173.	04/17/2000	(157588)
174.	02/19/2003	(23138)
175.	07/09/2004	(272455)
176.	02/16/2001	(157589)
177.	11/08/2004	(337000)
178.	07/13/2004	(274532)
179.	02/22/2002	(157590)
180.	02/20/2003	(157591)
181.	07/31/2002	(3028)
182.	08/16/2002	(7757)
183.	01/07/2005	(288575)
184.	03/19/2001	(157592)
185.	03/18/2002	(157593)
186.	08/07/2000	(135748)
187.	08/21/2000	(135749)
188.	10/04/2004	(336250)
189.	03/24/2003	(157594)
190.	08/21/2000	(135750)
191.	08/31/2000	(135751)
192.	12/28/2004	(277182)
193.	01/05/2005	(287246)
194.	04/17/2000	(157595)
195.	02/18/2003	(23956)
196.	08/31/2000	(135752)
197.	07/05/2004	(278078)
198.	08/31/2000	(135753)
199.	02/13/2004	(295169)
200.	08/16/2000	(157596)
201.	10/20/2000	(135754)
202.	04/16/2001	(157597)
203.	10/31/2000	(135755)
204.	01/12/2004	(253433)
205.	11/13/2000	(135756)
206.	02/15/2001	(40095)
207.	11/13/2000	(135757)
208.	05/12/2003	(28024)
209.	03/22/2003	(295171)
210.	04/18/2002	(157598)
211.	11/14/2003	(252631)
212.	01/29/2001	(135758)
213.	08/16/2002	(6072)
214.	11/29/2000	(135759)
215.	04/17/2003	(157599)
216.	04/22/2004	(295172)
217.	11/29/2000	(135760)
218.	08/31/2004	(272440)
219.	11/25/2002	(17129)
220.	02/16/2001	(135761)
221.	08/16/2000	(157600)
222.	02/28/2001	(135762)

223. 07/19/2004 (274762)
 224. 05/23/2001 (157601)
 225. 03/05/2001 (135763)
 226. 03/23/2001 (135764)
 227. 05/17/2002 (157602)
 228. 03/23/2001 (135765)
 229. 01/07/2005 (287050)
 230. 03/23/2001 (135766)
 231. 05/22/2003 (157603)
 232. 04/05/2001 (135767)
 233. 05/12/2004 (295174)
 234. 12/13/2004 (337068)
 235. 04/24/2001 (135768)
 236. 08/16/2000 (157604)
 237. 04/26/2001 (135769)
 238. 05/01/2001 (135770)
 239. 05/10/2001 (135771)
 240. 06/18/2001 (157605)
 241. 06/17/2004 (295176)
 242. 05/10/2001 (135772)
 243. 06/24/2002 (157606)
 244. 12/11/2004 (335371)
 245. 03/28/2003 (23681)
 246. 08/28/2003 (152166)
 247. 06/24/2003 (157607)
 248. 12/17/2004 (337094)
 249. 05/15/2001 (135773)
 250. 08/16/2000 (157608)
 251. 07/05/2004 (272521)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/04/2001 (135773)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET REPORTS LATE TO

Date: 05/31/2001 (135774)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: Failure to Comply

Date: 07/31/2001 (157613)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2001 (157616)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (23681)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(c)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: The maintenance event and resulting unauthorized emissions were the result of human error during previous periodic maintenance. The ME emissions could have been prevented by proper planning.

Date: 08/12/2003 (114223)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Avoidable emissions event

Date: 10/31/2002 (157624)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/30/2004 (250202)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: Failure to comply with Special Condition No. 11A of TCEQ Permit No. 35735.

Date: 05/09/2002 (135819)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: VIOL OF TNRCC FLEX 30

Date: 12/28/2004 (288451)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Rqmt Prov: PA IA
Description: Failure to meet demonstration criteria.

Date: 09/20/2000 (246529)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/01/2000 (246528)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/23/2002 (4068)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Violation of 30 Tex. Admin. Code 116.115(c), category B13.

Date: 02/13/2001 (246527)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/03/2002 (246526)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/01/2000 (135747)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: SPECIAL PERMIT CONDITI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITI
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
Description: GENERAL INFO CONDITION

Date: 09/23/2002 (5424)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TEXAS HEALTH AND SAFETY CODE 382.085
Description: Violation of Tex. Admin. Code 116.115(c) which requires the holders of the permit to comply with all conditions of the permit.

Date: 01/31/2002 (157590)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/22/2003 (150004)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
Description: Failed to maintain flame at all times on flare GM-1401.

Date: 01/05/2005 (287246)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Exceeded permit limit during an avoidable emissions event.

Date: 05/04/2001 (135772)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: UPSET DID NOT MEET EXE

F. Environmental audits.

Notice of Intent Date: 11/06/2002
No DOV Associated

Notice of Intent Date: 09/10/2001
No DOV Associated

Notice of Intent Date: 07/18/2002
Disclosure Date: 01/24/2003
Citation: Viol. Classification: Moderate
Description: Failure to submit an inventory of wells authorized by rule.
Disclosure Date: 12/18/2003
Citation: Viol. Classification: Moderate
Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 02/12/2004

Notice of Intent Date: 02/12/2004

Notice of Intent Date: 02/19/2004
Disclosure Date: 09/22/2004
Citation: Viol. Classification: Moderate
Description: releasing polypropylene powder from relief valve

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

TCEQ	DATES	Assigned 12-Sep-2005	Screening 06-Oct-2005	EPA Due <input type="text"/>
		PCW 29-Aug-2007		

RESPONDENT/FACILITY INFORMATION			
Respondent	BP Amoco Chemical Company		
Reg. Ent. Ref. No.	RN100238708		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	27016	No. of Violations	2
Docket No.	2004-0891-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 94% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability 0% Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<i>(mark with a small x)</i>

Notes

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$2,000"/>	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	<input type="text" value="\$2,000"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

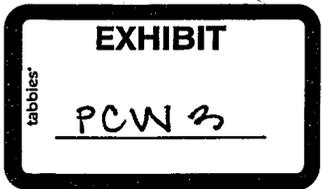
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY



Screening Date 06-Oct-2005

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 27016

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100238708

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	10	-50%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 94%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to three unrelated NOVs, four self-reported effluent discharge violations, ten same or similar NOVs, and two agreed orders containing a denial of liability. Penalty reduction due to six Notices of Audits and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 06-Oct-2005

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 27016

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100238708

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description
 During an investigation on October 12, 2004, TCEQ staff documented that BP failed to prevent the unauthorized excessive emissions of 13,531 lbs of ethylene, 1,195 lbs of propylene, 869 lbs of 1,3 butadiene, 236 lbs of acetylene, 237 lbs of butene from the Olefins 2 Unit and 380 lbs of propane, 18,466 lbs of carbon monoxide, and 2,458 lbs of nitrogen oxides from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately 11 hours on June 16, 2004. Since the emissions event was avoidable BP Amoco Chemical Company failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222. See attached table for type and quantity of unauthorized emissions.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm		
Release		Major	Moderate	Minor
Actual		X		
Potential				

Percent

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="text" value="X"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 27016
 Reg. Ent. Reference No. RN100238708
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

--

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	16-Jun-2004	16-Jun-2004	0.0	\$0	\$1,000	\$1,000

Notes for AVOIDED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same cause. Date required and final date based on the date of the emissions event.

Approx. Cost of Compliance

TOTAL

Screening Date 06-Oct-2005	Docket No. 2004-0891-AIR-E	PCW	
Respondent BP Amoco Chemical Company	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 27016	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No. RN100238708			
Media [Statute] Air Quality			
Enf. Coordinator Rebecca Johnson			
Violation Number <input type="text" value="2"/>			
Primary Rule Cite(s)	Air Permit No. 95, Special Condition No. 1		
Secondary Rule Cite(s)	30 Tex. Admin. Code §116.715(a) and Tex. Health & Safety Code § 382.085(b)		
Violation Description	<p>During an investigation on February 22, 2005, TCEQ staff documented that BP failed to prevent the unauthorized excessive emissions of 18,540 lbs of ethylene, 6,100 lbs of propylene, 1,440 lbs of propane, 1,226 lbs of 1,3 butadiene, 1,041 lbs of butenes and butanes from the Olefins 1 Unit and 25,702 lbs of carbon monoxide, and 378 lbs of nitrogen dioxide, and 3,043 lbs of nitrogen monoxide from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline and thereby shutting down two compressors and decreasing flow through the Ethylene Section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004. Since the emissions event was avoidable BP Amoco Chemical Company failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222. See attached table for type and quantity of unauthorized emissions.</p>		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent	<input type="text" value="100%"/>		
>> Programmatic Matrix			
Falsification	Major	Moderate	Minor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent	<input type="text"/>		
Matrix Notes	Human health and the environment have been exposed to an excessive quantity of highly reactive volatile organic compounds.		
Adjustment		<input type="text" value="\$0"/>	
Base Penalty Subtotal		<input type="text" value="\$10,000"/>	
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	
<i>mark only one use a small x</i>	daily	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
Violation Base Penalty		<input type="text" value="\$10,000"/>	
One single event is recommended.			
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$1,000"/>	Violation Final Penalty Total	
		<input type="text" value="\$19,400"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 27016
 Reg. Ent. Reference No. RN100238708
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	21-Oct-2004	23-Oct-2004	0.0	\$0	\$1,000	\$1,000

Notes for AVOIDED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same cause. Date required and final date based on the dates of the emissions event.

Approx. Cost of Compliance \$1,000

TOTAL \$1,000

Compliance History

Customer/Respondent/Owner-Operator:	CN600126775	BP Amoco Chemical Company	Classification: AVERAGE	Rating: 1.530
Regulated Entity: ID Number(s):	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 1.02
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID		TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50121
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30042
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT		50121
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT		50121
	AIR OPERATING PERMITS	PERMIT		2327
	AIR OPERATING PERMITS	PERMIT		1353
	AIR OPERATING PERMITS	ACCOUNT NUMBER		BL0002S
	WASTEWATER	PERMIT		TX0004821
	WASTEWATER	PERMIT		TPDES0004821
	WASTEWATER	PERMIT		WQ0001333000
	AIR NEW SOURCE PERMITS	REGISTRATION		76826
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX983
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX793
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX854
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX642
	AIR NEW SOURCE PERMITS	REGISTRATION		76401
	AIR NEW SOURCE PERMITS	REGISTRATION		76394
	AIR NEW SOURCE PERMITS	REGISTRATION		74968
	AIR NEW SOURCE PERMITS	PERMIT		73038
	AIR NEW SOURCE PERMITS	PERMIT		P983
	AIR NEW SOURCE PERMITS	REGISTRATION		71820
	AIR NEW SOURCE PERMITS	REGISTRATION		12709
	AIR NEW SOURCE PERMITS	REGISTRATION		12136
	AIR NEW SOURCE PERMITS	REGISTRATION		11539
	AIR NEW SOURCE PERMITS	REGISTRATION		11060
	AIR NEW SOURCE PERMITS	REGISTRATION		10906
	AIR NEW SOURCE PERMITS	REGISTRATION		10465
	AIR NEW SOURCE PERMITS	REGISTRATION		53841
	AIR NEW SOURCE PERMITS	REGISTRATION		50506
	AIR NEW SOURCE PERMITS	REGISTRATION		55980
	AIR NEW SOURCE PERMITS	REGISTRATION		53419
	AIR NEW SOURCE PERMITS	REGISTRATION		12953
	AIR NEW SOURCE PERMITS	REGISTRATION		75399
	AIR NEW SOURCE PERMITS	REGISTRATION		75608
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		12999
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0200132
	WATER LICENSING	LICENSE		0200132
	AIR NEW SOURCE PERMITS	PERMIT		PSDTX983
	AIR NEW SOURCE PERMITS	PERMIT		48637
	AIR NEW SOURCE PERMITS	PERMIT		46192
	AIR NEW SOURCE PERMITS	PERMIT		46147
	AIR NEW SOURCE PERMITS	PERMIT		35735
	AIR NEW SOURCE PERMITS	PERMIT		19868
	AIR NEW SOURCE PERMITS	PERMIT		9517
	AIR NEW SOURCE PERMITS	PERMIT		7196
	AIR NEW SOURCE PERMITS	PERMIT		5419
	AIR NEW SOURCE PERMITS	PERMIT		4882
	AIR NEW SOURCE PERMITS	PERMIT		2866C
	AIR NEW SOURCE PERMITS	PERMIT		2798
	AIR NEW SOURCE PERMITS	PERMIT		1611
	AIR NEW SOURCE PERMITS	PERMIT		1041
	AIR NEW SOURCE PERMITS	PERMIT		617
	AIR NEW SOURCE PERMITS	PERMIT		491A
	AIR NEW SOURCE PERMITS	PERMIT		489
	AIR NEW SOURCE PERMITS	PERMIT		488A
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX854
	AIR NEW SOURCE PERMITS	AFS NUM		0014
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		BL0002S
	AIR NEW SOURCE PERMITS	PERMIT		101
	AIR NEW SOURCE PERMITS	PERMIT		95

EXHIBIT

CH 3

tabbles

AIR NEW SOURCE PERMITS IHW CORRECTIVE ACTION	PERMIT SOLID WASTE REGISTRATION # (SWR)	53419 30042
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50121

Location: 2 miles south of FM 2917 on FM 2004 near Alvin Brazoria Co TX. Rating Date: 9/1/05 Repeat Violator: NO

TCEQ Region: REGION 12 --HOUSTON

Date Compliance History Prepared: October 06, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 06, 2000 to March 31, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Innovene USA LLC
4. If Yes, who was/were the prior owner(s)? BP Amoco Chemical Company
5. When did the change(s) in ownership occur? 03/31/2005

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 8/28/04 ADMINORDER 2004-0036-PST-E
 Classification: Minor
 Citation: 2D TWC Chapter 26, SubChapter A 26.346(a)
 30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)
 Description: Failure to ensure the timely renewal of a previously issued UST delivery certificate.
 Classification: Minor
 Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)
 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)
 Description: Failure to make available to a common carrier a valid and current TCEQ delivery certificate before accepting the delivery of a regulated substance into the UST system.

Effective Date: 8/30/04 ADMINORDER 2003-1280-AIR-E
 Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Citation: SC 1 PERMIT
 Description: Exceeded the volatile organic carbon maximum allowable emission rate for Flare DM-1101 on March 17, 2003. (Note mistake in order should be "compound" not "carbon")

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 07/23/2001 (157609)
- 2 05/25/2001 (135774)
- 3 07/25/2002 (157610)
- 4 08/16/2002 (8300)
- 5 07/21/2003 (157611)

6 07/12/2001 (135775)
7 07/12/2001 (135776)
8 07/13/2001 (135777)
9 08/20/2001 (157613)
10 09/19/2002 (5424)
11 08/06/2001 (135778)
12 08/06/2001 (135779)
13 08/06/2001 (135780)
14 08/27/2002 (9360)
15 08/06/2001 (135781)
16 08/23/2002 (157614)
17 08/06/2001 (135782)
18 08/06/2001 (135783)
19 08/16/2001 (135784)
20 10/12/2000 (157615)
21 05/21/2004 (60492)
22 08/16/2001 (135785)
23 01/24/2003 (19428)
24 08/20/2001 (135786)
25 08/19/2003 (295179)
26 09/24/2001 (157616)
27 08/20/2001 (135787)
28 08/21/2001 (135788)
29 06/28/2004 (272032)
30 12/13/2004 (338522)
31 12/20/2004 (342723)
32 08/31/2001 (135789)
33 10/08/2001 (135790)
34 09/23/2002 (157617)
35 07/05/2004 (278334)
36 11/06/2001 (135791)
37 11/19/2001 (135792)
38 10/23/2000 (157618)
39 11/19/2001 (135793)
40 09/15/2003 (295181)
41 06/29/2003 (34948)
42 11/26/2001 (135794)
43 11/01/2001 (157619)
44 12/28/2004 (288451)
45 11/28/2001 (135795)
46 05/24/2002 (1619)
47 11/29/2001 (135796)
48 06/13/2002 (2409)
49 05/12/2003 (28018)
50 08/30/2004 (250202)
51 10/21/2002 (157620)
52 11/29/2001 (135797)
53 08/18/2004 (284687)
54 11/30/2001 (135798)
55 12/11/2004 (335356)
56 03/28/2003 (27751)
57 12/03/2001 (135799)
58 08/16/2002 (7788)
59 07/10/2003 (45940)
60 06/13/2002 (2408)
61 11/27/2000 (157622)
62 12/27/2001 (135800)
63 01/07/2005 (341099)
64 01/23/2002 (135801)
65 10/20/2003 (295183)
66 02/01/2002 (135802)
67 11/26/2001 (157623)
68 02/08/2002 (135803)
69 01/28/2004 (257699)
70 02/11/2002 (135804)
71 08/26/2002 (9371)
72 11/25/2002 (157624)
73 02/11/2002 (135805)
74 02/26/2002 (135806)
75 04/25/2003 (33704)
76 11/21/2003 (295184)
77 02/26/2002 (135807)
78 01/06/2005 (337406)
79 02/27/2002 (135808)
80 11/08/2004 (336528)
81 11/18/2003 (255236)

82 03/06/2002 (135809)
83 03/07/2002 (135810)
84 12/18/2000 (157626)
85 09/17/2003 (248915)
86 03/14/2002 (135811)
87 12/15/2003 (295185)
88 03/14/2002 (135812)
89 12/27/2001 (157627)
90 02/07/2003 (22862)
91 03/21/2002 (135813)
92 11/14/2003 (295186)
93 03/29/2002 (135814)
94 07/25/2002 (5865)
95 12/27/2002 (157628)
96 04/02/2002 (135815)
97 04/17/2002 (135816)
98 06/15/2004 (272258)
99 04/29/2002 (135817)
100 04/29/2002 (135818)
101 05/09/2002 (135819)
102 01/23/2001 (157630)
103 12/11/2004 (341906)
104 01/23/2002 (157631)
105 05/10/2002 (135820)
106 08/12/2002 (6396)
107 07/15/2004 (351989)
108 05/10/2002 (135821)
109 01/10/2005 (286887)
110 03/11/2003 (26612)
111 01/24/2003 (157632)
112 05/10/2002 (135822)
113 05/14/2002 (135823)
114 05/14/2002 (135824)
115 11/20/2003 (255571)
116 05/16/2002 (135825)
117 08/16/2004 (351990)
118 05/16/2002 (135826)
119 09/22/2003 (150004)
120 12/16/2004 (341903)
121 04/14/2003 (31828)
122 05/16/2002 (135827)
123 12/28/2004 (287065)
124 08/31/2004 (277083)
125 05/16/2002 (135828)
126 12/13/2004 (336245)
127 05/16/2002 (135829)
128 05/16/2002 (135830)
129 09/23/2004 (351991)
130 07/10/2003 (45285)
131 08/06/2002 (6980)
132 05/18/2002 (135831)
133 12/23/2002 (14911)
134 05/18/2002 (135832)
135 05/28/2002 (135833)
136 05/30/2002 (135834)
137 10/22/2004 (351992)
138 05/30/2002 (135835)
139 06/10/2002 (135836)
140 11/18/2002 (13920)
141 01/03/2003 (16037)
142 06/12/2002 (135837)
143 07/24/2002 (135838)
144 08/23/2002 (4068)
145 12/15/2004 (337091)
146 11/23/2004 (351993)
147 03/11/2003 (21022)
148 06/19/2003 (40960)
149 10/17/2003 (248985)
150 08/05/2004 (287465)
151 01/09/2003 (13376)
152 03/12/2003 (25569)
153 07/10/2003 (43553)
154 09/13/2004 (293314)
155 02/13/2001 (246527)
156 01/17/2005 (286916)
157 02/22/2005 (381802)

158 12/13/2004 (333505)
159 03/21/2005 (381803)
160 06/11/2003 (17426)
161 08/04/2003 (144302)
162 12/22/2004 (381804)
163 02/04/2005 (338314)
164 01/20/2005 (381805)
165 07/05/2004 (272798)
166 01/03/2002 (246526)
167 07/30/2003 (114223)
168 09/17/2003 (248837)
169 01/07/2005 (343281)
170 02/19/2003 (23138)
171 07/09/2004 (272455)
172 02/16/2001 (157589)
173 11/08/2004 (337000)
174 07/13/2004 (274532)
175 02/22/2002 (157590)
176 02/20/2003 (157591)
177 07/31/2002 (3028)
178 08/16/2002 (7757)
179 01/07/2005 (288575)
180 03/19/2001 (157592)
181 03/18/2002 (157593)
182 10/04/2004 (336250)
183 03/24/2003 (157594)
184 12/28/2004 (277182)
185 01/05/2005 (287246)
186 02/18/2003 (23956)
187 07/05/2004 (278078)
188 02/13/2004 (295169)
189 10/20/2000 (135754)
190 04/16/2001 (157597)
191 10/31/2000 (135755)
192 01/12/2004 (253433)
193 11/13/2000 (135756)
194 02/15/2001 (40095)
195 11/13/2000 (135757)
196 05/12/2003 (28024)
197 03/22/2003 (295171)
198 04/18/2002 (157598)
199 11/14/2003 (252631)
200 01/29/2001 (135758)
201 08/16/2002 (6072)
202 11/29/2000 (135759)
203 04/17/2003 (157599)
204 04/22/2004 (295172)
205 11/29/2000 (135760)
206 08/31/2004 (272440)
207 11/25/2002 (17129)
208 02/16/2001 (135761)
209 02/28/2001 (135762)
210 07/19/2004 (274762)
211 05/23/2001 (157601)
212 03/05/2001 (135763)
213 03/23/2001 (135764)
214 05/17/2002 (157602)
215 03/23/2001 (135765)
216 01/07/2005 (287050)
217 03/23/2001 (135766)
218 05/22/2003 (157603)
219 04/05/2001 (135767)
220 05/12/2004 (295174)
221 12/13/2004 (337068)
222 04/24/2001 (135768)
223 04/26/2001 (135769)
224 05/01/2001 (135770)
225 05/10/2001 (135771)
226 06/18/2001 (157605)
227 06/17/2004 (295176)
228 05/10/2001 (135772)
229 06/24/2002 (157606)
230 12/11/2004 (335371)
231 03/28/2003 (23681)
232 08/28/2003 (152166)
233 06/24/2003 (157607)

234 12/17/2004 (337094)
235 05/15/2001 (135773)
236 07/05/2004 (272521)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/04/2001 (135773)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: UPSET REPORTS LATE TO

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: UPSET DID NOT MEET EXE

Date: 05/31/2001 (135774)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: Failure to Comply

Date: 07/31/2001 (157613)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2001 (157616)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (23681)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: The maintenance event and resulting unauthorized emissions were the result of human error during previous periodic maintenance. The ME emissions could have been prevented by proper planning.

Date: 08/12/2003 (114223)
Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Avoidable emissions event

Date: 10/31/2002 (157624)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/30/2004 (250202)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: Failure to comply with Special Condition No. 11A of TCEQ Permit No. 35735.

Date: 05/09/2002 (135819)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: VIOL OF TNRCC FLEX 30

Date: 12/28/2004 (288451)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Rqmt Prov: PA IA
Description: Failure to meet demonstration criteria.

Date: 08/23/2002 (4068)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Violation of 30 Tex. Admin. Code 116.115(c), category B13.

Date: 02/13/2001 (246527)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/03/2002 (246526)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/23/2002 (5424)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TEXAS HEALTH AND SAFETY CODE 382.085
Description: Violation of Tex. Admin. Code 116.115(c) which requires the holders of the permit to comply with all conditions of the permit.

Date: 01/31/2002 (157590)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/22/2003 (150004)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
Description: Failed to maintain flame at all times on flare GM-1401.

Date: 01/05/2005 (287246)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Exceeded permit limit during an avoidable emissions event.

F. Environmental audits.

Notice of Intent Date: 11/06/2002
No DOV Associated

Notice of Intent Date: 09/10/2001
No DOV Associated

Notice of Intent Date: 07/18/2002
Disclosure Date: 01/24/2003
Citation: Viol. Classification: Moderate
Description: Failure to submit an inventory of wells authorized by rule.
Disclosure Date: 12/18/2003
Citation: Viol. Classification: Moderate
Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 02/12/2004
No DOV Associated

Notice of Intent Date: 02/12/2004
No DOV Associated

Notice of Intent Date: 02/19/2004
Disclosure Date: 09/22/2004
Citation: Viol. Classification: Moderate
Description: releasing polypropylene powder from relief valve

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision May 03, 2005



DATES	Assigned PCW	02-May-2005 08-Aug-2005	Screening	06-May-2005	Priority Due	01-Jul-2005	EPA Due	21-Jan-2006
--------------	---------------------	----------------------------	------------------	-------------	---------------------	-------------	----------------	-------------

RESPONDENT/FACILITY INFORMATION	
Respondent	BP Amoco Chemical Company
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	16524	No. of Violations	1
Docket No.	2004-0891-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 103% Enhancement **Subtotals 2, 3, & 7** \$5,150

Notes: Penalty enhancement due to eleven NOVs issued for same or similar violations, five NOVs issued for unrelated violations, four unrelated self-reported effluent violations, and two agreed orders containing a denial of liability. Penalty reduction due to six Notices of Audits and two Disclosures of Violations submitted.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: This case involves a violation that is a past event with no opportunity for compliance.

Economic Benefit 0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$500	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$10,150

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$10,150

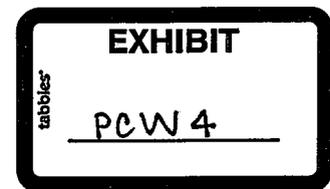
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$10,000

DEFERRAL 0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended since this is not an expedited enforcement action.

PAYABLE PENALTY \$10,000



Screening Date 06-May-2005 **Docket No.** 2004-0891-AIR-E **PCW**
Respondent BP Amoco Chemical Company *Policy Revision 2 (September 2002)*
Case ID No. 16524 *PCW Revision May 03, 2005*
Reg. Ent. Reference No. RN100238708
Media [Statute] Air Quality
Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	11	55%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **103%**

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) **0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to eleven NOVs issued for same or similar violations, five NOVs issued for unrelated violations, four unrelated self-reported effluent violations, and two agreed orders containing a denial of liability. Penalty reduction due to six Notices of Audits and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **103%**

Screening Date 06-May-2005

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 16524

PCW Revision May 03, 2005

Reg. Ent. Reference No. RN100238708

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description
 During an investigation on February 22, 2005, TCEQ staff documented that BP failed to prevent the unauthorized excessive emissions of 8,378 lbs of ethylene, 6,978 lbs of Carbon Monoxide, and 929 lbs of Nitrogen Oxides from the Olefins 1 Flare when BP failed to control the CO concentration and temperature in the Acetylene Reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004. Since the emissions event was avoidable BP Amoco failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="text" value="X"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 16524
 Reg. Ent. Reference No. RN100238708
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$500	29-Oct-2004	29-Oct-2004	0.0	\$0	\$500	\$500

Notes for AVOIDED costs
 Estimated cost to provide additional oversight to ensure temperature fluctuations don't occur in the acetylene reactor which resulted in the flaring of material. Date required and final date based on the date of the emissions event.

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600126775 BP Amoco Chemical Company Classification: AVERAGE Rating: 1.530
 Regulated Entity: RN100238708 BP AMOCO CHEMICAL CHOCOLATE BAYOU WORKS Classification: AVERAGE Site Rating: 1.01

ID Number(s):

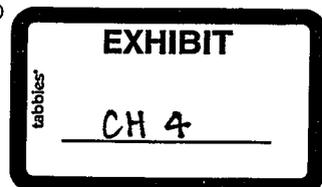
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30042
AIR OPERATING PERMITS	PERMIT	2327
AIR OPERATING PERMITS	PERMIT	1353
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
WASTEWATER	PERMIT	TX0004821
WASTEWATER	PERMIT	TPDES0004821
WASTEWATER	PERMIT	WQ0001333000
AIR NEW SOURCE PERMITS	REGISTRATION	74968
AIR NEW SOURCE PERMITS	PERMIT	73038
AIR NEW SOURCE PERMITS	PERMIT	53841
AIR NEW SOURCE PERMITS	PERMIT	50506
AIR NEW SOURCE PERMITS	PERMIT	P793
AIR NEW SOURCE PERMITS	PERMIT	P983
AIR NEW SOURCE PERMITS	REGISTRATION	71820
AIR NEW SOURCE PERMITS	REGISTRATION	75399
AIR NEW SOURCE PERMITS	REGISTRATION	75608
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12999
PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0200132
AIR NEW SOURCE PERMITS	PERMIT	0200132
AIR NEW SOURCE PERMITS	PERMIT	PSDTX983
AIR NEW SOURCE PERMITS	PERMIT	48637
AIR NEW SOURCE PERMITS	PERMIT	46192
AIR NEW SOURCE PERMITS	PERMIT	46147
AIR NEW SOURCE PERMITS	PERMIT	35735
AIR NEW SOURCE PERMITS	PERMIT	19868
AIR NEW SOURCE PERMITS	PERMIT	12953
AIR NEW SOURCE PERMITS	PERMIT	12709
AIR NEW SOURCE PERMITS	PERMIT	12136
AIR NEW SOURCE PERMITS	PERMIT	11539
AIR NEW SOURCE PERMITS	PERMIT	11060
AIR NEW SOURCE PERMITS	PERMIT	10906
AIR NEW SOURCE PERMITS	PERMIT	10465
AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
AIR NEW SOURCE PERMITS	PERMIT	9517
AIR NEW SOURCE PERMITS	PERMIT	7196
AIR NEW SOURCE PERMITS	PERMIT	5419
AIR NEW SOURCE PERMITS	PERMIT	4882
AIR NEW SOURCE PERMITS	PERMIT	2866C
AIR NEW SOURCE PERMITS	PERMIT	2798
AIR NEW SOURCE PERMITS	PERMIT	1611
AIR NEW SOURCE PERMITS	PERMIT	1041
AIR NEW SOURCE PERMITS	PERMIT	617
AIR NEW SOURCE PERMITS	PERMIT	491A
AIR NEW SOURCE PERMITS	PERMIT	489
AIR NEW SOURCE PERMITS	PERMIT	488A
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
AIR NEW SOURCE PERMITS	AFS NUM	0014
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S
AIR NEW SOURCE PERMITS	PERMIT	55980
AIR NEW SOURCE PERMITS	PERMIT	101
AIR NEW SOURCE PERMITS	PERMIT	95
AIR NEW SOURCE PERMITS	PERMIT	53419

Location: 2 MILES SOUTH OF FM 2917 ON FM 2004, BRAZORIA COUNTY, TX

Rating Date: 9/1/04

Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON



Date Compliance History Prepared: May 05, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 05, 2000 to March 31, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Innovene USA LLC
4. If Yes, who was/were the prior owner(s)? BP Amoco Chemical Company
5. When did the change(s) in ownership occur? 03/31/05

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- Effective Date: 8/28/04 ADMINORDER 2004-0036-PST-E
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.346(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)
Description: Failure to ensure the timely renewal of a previously issued UST delivery certificate.
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)
Description: Failure to make available to a common carrier a valid and current TCEQ delivery certificate before accepting the delivery of a regulated substance into the UST system.
- Effective Date: 8/30/04 ADMINORDER 2003-1280-AIR-E
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1 PERMIT
Description: Exceeded the volatile organic carbon maximum allowable emission rate for Flare DM-1101 on March 17, 2003. (Note mistake in order should be "compound" not "carbon")

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1. 07/23/2001 (157609)
2. 05/25/2001 (135774)
3. 07/25/2002 (157610)
4. 08/16/2002 (8300)
5. 07/21/2003 (157611)
6. 07/12/2001 (135775)
7. 08/17/2000 (157612)
8. 07/12/2001 (135776)
9. 07/13/2001 (135777)
10. 08/20/2001 (157613)
11. 09/19/2002 (5424)
12. 08/06/2001 (135778)
13. 08/06/2001 (135779)
14. 08/06/2001 (135780)
15. 08/27/2002 (9360)

16. 08/06/2001 (135781)
17. 08/23/2002 (157614)
18. 08/06/2001 (135782)
19. 08/06/2001 (135783)
20. 08/16/2001 (135784)
21. 10/12/2000 (157615)
22. 05/21/2004 (60492)
23. 08/16/2001 (135785)
24. 01/24/2003 (19428)
25. 08/20/2001 (135786)
26. 08/19/2003 (295179)
27. 09/24/2001 (157616)
28. 08/20/2001 (135787)
29. 08/21/2001 (135788)
30. 06/28/2004 (272032)
31. 12/13/2004 (338522)
32. 12/20/2004 (342723)
33. 08/31/2001 (135789)
34. 10/08/2001 (135790)
35. 09/23/2002 (157617)
36. 07/05/2004 (278334)
37. 11/06/2001 (135791)
38. 11/19/2001 (135792)
39. 10/23/2000 (157618)
40. 11/19/2001 (135793)
41. 09/15/2003 (295181)
42. 06/29/2003 (34948)
43. 11/26/2001 (135794)
44. 11/01/2001 (157619)
45. 12/28/2004 (288451)
46. 11/28/2001 (135795)
47. 05/24/2002 (1619)
48. 11/29/2001 (135796)
49. 06/13/2002 (2409)
50. 05/12/2003 (28018)
51. 08/30/2004 (250202)
52. 10/21/2002 (157620)
53. 11/29/2001 (135797)
54. 08/18/2004 (284687)
55. 11/30/2001 (135798)
56. 12/11/2004 (335356)
57. 03/28/2003 (27751)
58. 12/03/2001 (135799)
59. 08/16/2002 (7788)
60. 07/10/2003 (45940)
61. 06/13/2002 (2408)
62. 11/27/2000 (157622)
63. 12/27/2001 (135800)
64. 01/07/2005 (341099)
65. 01/23/2002 (135801)
66. 10/20/2003 (295183)
67. 02/01/2002 (135802)
68. 11/26/2001 (157623)
69. 02/08/2002 (135803)
70. 01/28/2004 (257699)
71. 02/11/2002 (135804)
72. 08/26/2002 (9371)
73. 11/25/2002 (157624)
74. 02/11/2002 (135805)
75. 02/26/2002 (135806)
76. 04/25/2003 (33704)
77. 11/21/2003 (295184)
78. 02/26/2002 (135807)
79. 01/06/2005 (337406)
80. 02/27/2002 (135808)
81. 11/08/2004 (336528)
82. 11/18/2003 (255236)
83. 03/06/2002 (135809)
84. 03/07/2002 (135810)
85. 12/18/2000 (157626)
86. 09/17/2003 (248915)
87. 03/14/2002 (135811)
88. 12/15/2003 (295185)
89. 03/14/2002 (135812)
90. 12/27/2001 (157627)

91. 02/07/2003 (22862)
92. 03/21/2002 (135813)
93. 11/14/2003 (295186)
94. 03/29/2002 (135814)
95. 07/25/2002 (5865)
96. 12/27/2002 (157628)
97. 04/02/2002 (135815)
98. 04/17/2002 (135816)
99. 06/15/2004 (272258)
100. 04/29/2002 (135817)
101. 04/29/2002 (135818)
102. 05/09/2002 (135819)
103. 01/23/2001 (157630)
104. 12/11/2004 (341906)
105. 01/23/2002 (157631)
106. 05/10/2002 (135820)
107. 08/12/2002 (6396)
108. 07/15/2004 (351989)
109. 05/10/2002 (135821)
110. 01/10/2005 (286887)
111. 03/11/2003 (26612)
112. 01/24/2003 (157632)
113. 05/10/2002 (135822)
114. 05/14/2002 (135823)
115. 05/14/2002 (135824)
116. 11/20/2003 (255571)
117. 05/16/2002 (135825)
118. 08/16/2004 (351990)
119. 05/16/2002 (135826)
120. 09/22/2003 (150004)
121. 12/16/2004 (341903)
122. 04/14/2003 (31828)
123. 05/16/2002 (135827)
124. 12/28/2004 (287065)
125. 08/31/2004 (277083)
126. 05/16/2002 (135828)
127. 12/13/2004 (336245)
128. 05/16/2002 (135829)
129. 05/16/2002 (135830)
130. 09/23/2004 (351991)
131. 07/10/2003 (45285)
132. 08/06/2002 (6980)
133. 05/18/2002 (135831)
134. 12/23/2002 (14911)
135. 05/18/2002 (135832)
136. 05/28/2002 (135833)
137. 05/30/2002 (135834)
138. 09/20/2000 (246529)
139. 10/22/2004 (351992)
140. 05/30/2002 (135835)
141. 06/10/2002 (135836)
142. 11/18/2002 (13920)
143. 01/03/2003 (16037)
144. 06/12/2002 (135837)
145. 07/24/2002 (135838)
146. 08/23/2002 (4068)
147. 12/15/2004 (337091)
148. 11/23/2004 (351993)
149. 03/11/2003 (21022)
150. 06/19/2003 (40960)
151. 10/17/2003 (248985)
152. 08/05/2004 (287465)
153. 01/09/2003 (13376)
154. 03/12/2003 (25569)
155. 07/10/2003 (43553)
156. 09/13/2004 (293314)
157. 02/13/2001 (246527)
158. 01/17/2005 (286916)
159. 12/13/2004 (333505)
160. 06/11/2003 (17426)
161. 08/04/2003 (144302)
162. 02/04/2005 (338314)
163. 07/05/2004 (272798)
164. 01/03/2002 (246526)
165. 07/20/2000 (135746)

166. 07/30/2003 (114223)
167. 08/01/2000 (135747)
168. 09/17/2003 (248837)
169. 01/07/2005 (343281)
170. 02/19/2003 (23138)
171. 07/09/2004 (272455)
172. 02/16/2001 (157589)
173. 11/08/2004 (337000)
174. 07/13/2004 (274532)
175. 02/22/2002 (157590)
176. 02/20/2003 (157591)
177. 07/31/2002 (3028)
178. 08/16/2002 (7757)
179. 01/07/2005 (288575)
180. 03/19/2001 (157592)
181. 03/18/2002 (157593)
182. 08/07/2000 (135748)
183. 08/21/2000 (135749)
184. 10/04/2004 (336250)
185. 03/24/2003 (157594)
186. 08/21/2000 (135750)
187. 08/31/2000 (135751)
188. 12/28/2004 (277182)
189. 01/05/2005 (287246)
190. 02/18/2003 (23956)
191. 08/31/2000 (135752)
192. 07/05/2004 (278078)
193. 08/31/2000 (135753)
194. 02/13/2004 (295169)
195. 08/16/2000 (157596)
196. 10/20/2000 (135754)
197. 04/16/2001 (157597)
198. 10/31/2000 (135755)
199. 01/12/2004 (253433)
200. 11/13/2000 (135756)
201. 02/15/2001 (40095)
202. 11/13/2000 (135757)
203. 05/12/2003 (28024)
204. 03/22/2003 (295171)
205. 04/18/2002 (157598)
206. 11/14/2003 (252631)
207. 01/29/2001 (135758)
208. 08/16/2002 (6072)
209. 11/29/2000 (135759)
210. 04/17/2003 (157599)
211. 04/22/2004 (295172)
212. 11/29/2000 (135760)
213. 08/31/2004 (272440)
214. 11/25/2002 (17129)
215. 02/16/2001 (135761)
216. 08/16/2000 (157600)
217. 02/28/2001 (135762)
218. 07/19/2004 (274762)
219. 05/23/2001 (157601)
220. 03/05/2001 (135763)
221. 03/23/2001 (135764)
222. 05/17/2002 (157602)
223. 03/23/2001 (135765)
224. 01/07/2005 (287050)
225. 03/23/2001 (135766)
226. 05/22/2003 (157603)
227. 04/05/2001 (135767)
228. 05/12/2004 (295174)
229. 12/13/2004 (337068)
230. 04/24/2001 (135768)
231. 08/16/2000 (157604)
232. 04/26/2001 (135769)
233. 05/01/2001 (135770)
234. 05/10/2001 (135771)
235. 06/18/2001 (157605)
236. 06/17/2004 (295176)
237. 05/10/2001 (135772)
238. 06/24/2002 (157606)
239. 12/11/2004 (335371)
240. 03/28/2003 (23681)

- 241. 08/28/2003 (152166)
- 242. 06/24/2003 (157607)
- 243. 12/17/2004 (337094)
- 244. 05/15/2001 (135773)
- 255. 08/16/2000 (157608)
- 256. 07/05/2004 (272521)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

- Date: 05/04/2001 (135773)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET REPORTS LATE TO
- Date: 05/31/2001 (135774)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: Failure to Comply
- Date: 07/31/2001 (157613)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- Date: 08/31/2001 (157616)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- Date: 03/31/2003 (23681)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(c)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: The maintenance event and resulting unauthorized emissions were the result of human error during previous periodic maintenance. The ME emissions could have been prevented by proper planning.
- Date: 08/12/2003 (114223)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Avoidable emissions event
- Date: 10/31/2002 (157624)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
- Date: 08/30/2004 (250202)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: Failure to comply with Special Condition No. 11A of TCEQ Permit No. 35735.
- Date: 05/09/2002 (135819)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: VIOL OF TNRCC FLEX 30
- Date: 12/28/2004 (288451)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 Rqmt Prov: PA IA
 Description: Failure to meet demonstration criteria.
- Date: 09/20/2000 (246529)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/23/2002 (4068)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Violation of 30 Tex. Admin. Code 116.115(c), category B13.

Date: 02/13/2001 (246527)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/03/2002 (246526)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/01/2000 (135747)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: SPECIAL PERMIT CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT SPECIAL CONDITI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter B 111.201
 Description: GENERAL INFO CONDITION

Date: 09/23/2002 (5424)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 TEXAS HEALTH AND SAFETY CODE 382.085
 Description: Violation of Tex. Admin. Code 116.115(c) which requires the holders of the permit to comply with all conditions of the permit.

Date: 01/31/2002 (157590)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/22/2003 (150004)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
 Description: Failed to maintain flame at all times on flare GM-1401.

Date: 01/05/2005 (287246)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA IA
 Description: Exceeded permit limit during an avoidable emissions event.

Date: 05/04/2001 (135772)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: UPSET DID NOT MEET EXE

F. Environmental audits.

Notice of Intent Date: 11/06/2002
No DOV Associated

Notice of Intent Date: 09/10/2001
No DOV Associated

Notice of Intent Date: 07/18/2002
Disclosure Date: 01/24/2003
Citation: Viol. Classification: Moderate
Description: Failure to submit an inventory of wells authorized by rule.
Disclosure Date: 12/18/2003
Citation: Viol. Classification: Moderate
Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 02/12/2004
No DOV Associated

Notice of Intent Date: 02/12/2004
No DOV Associated

Notice of Intent Date: 02/19/2004
Disclosure Date: 09/22/2004
Citation: Viol. Classification: Moderate
Description: releasing polypropylene powder from relief valve

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	06-Mar-2006	Screening	15-Mar-2006	EPA Due	
	PCW	15-Mar-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	BP Amoco Chemical Company
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	28710	No. of Violations	1
Docket No.	2004-0891-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Bryan Elliott
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 89% Enhancement Subtotals 2, 3, & 7 \$4,450

Notes: The penalty was enhanced because there are seven prior Notices of Violation ("NOVs") for similar violations, thirteen previous NOVs for dissimilar violations, and two previous 1660 style orders. The penalty was reduced because there are eight letters notifying the executive director of an intended audit, and two letters disclosing violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet culpability requirements.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent does not meet the Good Faith criteria.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$77	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

SUM OF SUBTOTALS 1-7 Final Subtotal \$9,450

OTHER FACTORS AS JUSTICE MAY REQUIRE 4% Reduction Adjustment -\$400

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: The penalty was reduced because, three NOVs, and one letter notifying the executive director of an intended audit were executed after the date of sale and therefore, omitted from the penalty calculation.

Final Penalty Amount \$9,050

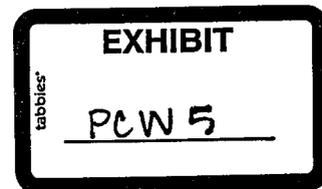
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,050

DEFERRAL 0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non-expedited settlement.

PAYABLE PENALTY \$9,050



Screening Date 15-Mar-2006

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 28710

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100238708

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	7	35%
	Other written NOV's	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 89%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced because there are seven prior Notices of Violation ("NOVs") for similar violations, thirteen previous NOV's for dissimilar violations, and two previous 1660 style orders. The penalty was reduced because there are eight letters notifying the executive director of an intended audit, and two letters disclosing violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 89%

Screening Date 15-Mar-2006

Docket No. 2004-0891-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 28710

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100238708

Media [Statute] Air Quality

Enf. Coordinator Bryan Elliott

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), and Flexible Permit No. 95/PSD-TX-854, Special Condition No. 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

The Respondent failed to comply with permitted emissions limits. Specifically, the authorized emissions limit for emission events under a flexible permit is zero pounds ("lbs") per hour. As documented during an investigation conducted on October 5, 2004, an emissions event occurred on July 19, 2004 at the No. 1 Olefins Flare (Emission Point No. DM-1101) that lasted for 12 hours and 30 minutes, resulting in the release of 8,398 lbs of volatile organic compounds, 6,941 lbs of carbon monoxide, 104 lbs of nitrogen dioxide, and 834 lbs of nitrogen monoxide. Since this emissions event could have been avoided by good operation practices, it failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended based on the emissions event on July 19, 2004.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
 Case ID No. 28710
 Reg. Ent. Reference No. RN100238708
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	19-Jul-2004	25-Apr-2005	0.8	\$77	n/a	\$77

Notes for DELAYED costs: Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is date of sale of the site.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$2,000

TOTAL \$77

Compliance History

Customer/Respondent/Owner-Operator:	CN602817884 Innovene USA LLC	Classification: AVERAGE	Rating: 0.66
Regulated Entity:	RN100238708 CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
	AIR OPERATING PERMITS	PERMIT	1353
	AIR OPERATING PERMITS	PERMIT	2327
	WASTEWATER	PERMIT	WQ0001333000
	WASTEWATER	PERMIT	TPDES0004821
	WASTEWATER	PERMIT	TX0004821
	PETROLEUM STORAGE TANK	REGISTRATION	12999
	REGISTRATION		
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200132
	AIR NEW SOURCE PERMITS	PERMIT	53419
	AIR NEW SOURCE PERMITS	PERMIT	95
	AIR NEW SOURCE PERMITS	PERMIT	101
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S
	AIR NEW SOURCE PERMITS	AFS NUM	0014
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
	AIR NEW SOURCE PERMITS	PERMIT	488A
	AIR NEW SOURCE PERMITS	PERMIT	489
	AIR NEW SOURCE PERMITS	PERMIT	491A
	AIR NEW SOURCE PERMITS	PERMIT	617
	AIR NEW SOURCE PERMITS	PERMIT	1041
	AIR NEW SOURCE PERMITS	PERMIT	1611
	AIR NEW SOURCE PERMITS	PERMIT	2798
	AIR NEW SOURCE PERMITS	PERMIT	2866C
	AIR NEW SOURCE PERMITS	PERMIT	4882
	AIR NEW SOURCE PERMITS	PERMIT	5419
	AIR NEW SOURCE PERMITS	PERMIT	7196
	AIR NEW SOURCE PERMITS	PERMIT	9517
	AIR NEW SOURCE PERMITS	PERMIT	19868
	AIR NEW SOURCE PERMITS	PERMIT	35735
	AIR NEW SOURCE PERMITS	PERMIT	46192
	AIR NEW SOURCE PERMITS	PERMIT	48637
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX983
	AIR NEW SOURCE PERMITS	REGISTRATION	75608
	AIR NEW SOURCE PERMITS	REGISTRATION	75399
	AIR NEW SOURCE PERMITS	REGISTRATION	12953
	AIR NEW SOURCE PERMITS	REGISTRATION	53419
	AIR NEW SOURCE PERMITS	REGISTRATION	10465
	AIR NEW SOURCE PERMITS	REGISTRATION	10906
	AIR NEW SOURCE PERMITS	REGISTRATION	11060
	AIR NEW SOURCE PERMITS	REGISTRATION	11539
	AIR NEW SOURCE PERMITS	REGISTRATION	12136
	AIR NEW SOURCE PERMITS	REGISTRATION	12709
	AIR NEW SOURCE PERMITS	REGISTRATION	71820
	AIR NEW SOURCE PERMITS	PERMIT	P983
	AIR NEW SOURCE PERMITS	PERMIT	73038
	AIR NEW SOURCE PERMITS	REGISTRATION	74968
	AIR NEW SOURCE PERMITS	REGISTRATION	76394
	AIR NEW SOURCE PERMITS	REGISTRATION	76401
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX793
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX983
	AIR NEW SOURCE PERMITS	REGISTRATION	76826
	WATER LICENSING	LICENSE	0200132
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD050309012
	GENERATION		
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121
	GENERATION		
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30042
	GENERATION	(SWR)	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121
	STORAGE		
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD050309012
	STORAGE		
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30042

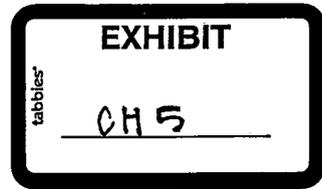
Location:	FM 2004, ALVIN, TX, 77512	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	March 14, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 14, 2001 to March 14, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

- | | |
|--|------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | Innovene USA LLC |
| 4. If Yes, who was/were the prior owner(s)? | Solutia Inc. |



5. When did the change(s) in ownership occur?

09/03/2002
04/25/2005

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 08/28/2004 ADMINORDER 2004-0036-PST-E
Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.346(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)

Description: Failure to ensure the timely renewal of a previously issued UST delivery certificate.
Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)

Description: Failure to make available to a common carrier a valid and current TCEQ delivery certificate before accepting the delivery of a regulated substance into the UST system.
Effective Date: 08/30/2004 ADMINORDER 2003-1280-AIR-E
Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
Description: Exceeded the volatile organic carbon maximum allowable emission rate for Flare DM-1101 on March 17, 2003. (Note mistake in order should be "compound" not "carbon")

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/23/2001	(157609)
N/A		
2	05/25/2001	(135774)
3	07/25/2002	(157610)
4	08/16/2002	(8300)
5	07/21/2003	(157611)
6	07/12/2001	(135775)
7	07/12/2001	(135776)
8	07/13/2001	(135777)
9	08/20/2001	(157613)
10	09/19/2002	(5424)
11	08/06/2001	(135778)
12	08/06/2001	(135779)
13	08/06/2001	(135780)
14	08/27/2002	(9360)
15	08/06/2001	(135781)
16	08/23/2002	(157614)
17	08/06/2001	(135782)
18	08/06/2001	(135783)
19	08/16/2001	(135784)
20	05/21/2004	(60492)
21	08/16/2001	(135785)
22	01/24/2003	(19428)
23	08/20/2001	(135786)
24	08/19/2003	(295179)
25	09/24/2001	(157616)
26	08/30/2005	(418277)
27	08/20/2001	(135787)
28	02/24/2006	(450737)
29	08/21/2001	(135788)
30	06/28/2004	(272032)
31	12/13/2004	(338522)
32	12/20/2004	(342723)
33	08/31/2001	(135789)
34	10/08/2001	(135790)
35	09/23/2002	(157617)
36	07/05/2004	(278334)
37	11/06/2001	(135791)
38	02/28/2006	(437776)
39	11/19/2001	(135792)
40	11/19/2001	(135793)
41	09/15/2003	(295181)

42 06/29/2003 (34948)
43 11/26/2001 (135794)
44 11/01/2001 (157619)
45 12/28/2004 (288451)
46 11/28/2001 (135795)
47 05/24/2002 (1619)
48 11/29/2001 (135796)
49 06/13/2002 (2409)
50 05/12/2003 (28018)
51 08/30/2004 (250202)
52 10/21/2002 (157620)
53 11/29/2001 (135797)
54 08/18/2004 (284687)
55 02/27/2006 (449481)
56 11/30/2001 (135798)
57 08/24/2005 (404609)
58 02/27/2006 (450755)
59 12/11/2004 (335356)
60 03/28/2003 (27751)
61 12/03/2001 (135799)
62 08/16/2002 (7788)

63 07/10/2003 (45940)
64 06/13/2002 (2408)
65 12/27/2001 (135800)
66 01/26/2006 (437342)
67 01/07/2005 (341099)
68 01/23/2002 (135801)
69 05/20/2005 (392949)
70 10/20/2003 (295183)
71 02/01/2002 (135802)
72 11/03/2005 (431679)
73 11/26/2001 (157623)
74 02/08/2002 (135803)
75 02/27/2006 (440360)
76 01/28/2004 (257699)
77 02/11/2002 (135804)
78 08/26/2002 (9371)
79 11/25/2002 (157624)
80 02/11/2002 (135805)
81 02/26/2002 (135806)
82 04/25/2003 (33704)
83 11/21/2003 (295184)
84 02/26/2002 (135807)
85 01/06/2005 (337406)
86 10/10/2005 (432962)
87 02/27/2002 (135808)
88 11/08/2004 (336528)
89 11/18/2003 (255236)
90 03/06/2002 (135809)
91 07/15/2005 (399321)
92 03/07/2002 (135810)
93 09/17/2003 (248915)
94 04/22/2005 (419633)
95 03/14/2002 (135811)
96 12/15/2003 (295185)
97 02/24/2006 (450766)
98 03/14/2002 (135812)
99 05/19/2005 (419634)
100 09/21/2005 (431548)
101 12/27/2001 (157627)
102 02/07/2003 (22862)
103 03/21/2002 (135813)
104 11/14/2003 (295186)
105 06/20/2005 (419635)
106 02/16/2006 (436530)
107 03/29/2002 (135814)
108 07/25/2002 (5865)
109 12/27/2002 (157628)
110 04/02/2002 (135815)
111 04/17/2002 (135816)
112 06/15/2004 (272258)

180 02/24/2006 (450771)
179 09/13/2004 (293314)
178 07/10/2003 (43553)
177 03/12/2003 (25569)
176 01/09/2003 (13376)
175 08/18/2005 (404361)
174 08/05/2004 (287465)
173 10/17/2003 (249865)
172 06/19/2003 (40960)
171 03/11/2003 (21022)
170 12/05/2005 (397651)
169 11/23/2004 (351993)
168 12/15/2004 (337091)
167 08/23/2002 (4068)

166 07/24/2002 (135838)
165 06/12/2002 (135837)
164 01/03/2003 (16037)
163 11/18/2002 (13920)
162 06/10/2002 (135836)
161 05/30/2002 (135835)
160 10/22/2004 (351992)
159 09/08/2005 (337658)
158 05/30/2002 (135834)
157 05/28/2002 (135833)
156 02/24/2006 (438700)
155 05/18/2002 (135832)
154 12/23/2002 (14911)
153 05/18/2002 (135831)
152 02/28/2006 (435662)
151 08/06/2002 (6980)
150 07/10/2003 (45285)
149 09/23/2004 (351991)
148 05/16/2002 (135830)
147 05/16/2002 (135829)
146 12/13/2004 (336245)
145 05/16/2002 (135828)
144 08/13/2004 (277083)
143 12/28/2004 (287065)
142 05/16/2002 (135827)
141 04/14/2003 (31928)
140 02/28/2006 (333721)
139 12/16/2004 (341903)
138 09/22/2003 (150004)
137 05/16/2002 (135826)
136 08/16/2004 (351990)
135 05/16/2002 (135825)
134 11/20/2003 (25571)
133 01/26/2006 (438227)
132 05/14/2002 (135824)
131 05/14/2002 (135823)
130 10/13/2005 (440770)
129 05/10/2002 (135822)
128 01/24/2003 (157632)
127 03/11/2003 (26612)
126 01/10/2005 (286887)
125 05/10/2002 (135821)
124 10/13/2005 (440769)
123 07/15/2004 (351989)
122 08/12/2002 (6396)
121 05/10/2002 (135820)
120 01/23/2002 (157631)
119 12/11/2004 (341906)
118 09/16/2005 (440768)
117 08/19/2005 (440767)
116 05/09/2002 (135819)
115 04/29/2002 (135818)

114 07/13/2005 (440766)
113 04/29/2002 (135817)

181 09/08/2005 (375408)
182 01/17/2005 (286916)
183 02/22/2005 (381802)
184 12/13/2004 (333505)
185 03/21/2005 (381803)
186 06/11/2003 (17426)
187 05/18/2005 (374942)
188 08/04/2003 (144302)
189 08/29/2005 (407005)
190 12/22/2004 (381804)
191 02/04/2005 (338314)
192 01/20/2005 (381805)
193 07/05/2004 (272798)
194 08/10/2005 (404141)
195 01/03/2002 (246526)
196 07/30/2003 (114223)
197 09/08/2005 (372077)
198 09/17/2003 (248837)
199 01/12/2006 (451532)
200 01/07/2005 (343281)
201 02/19/2003 (23138)
202 07/09/2004 (272455)
203 11/08/2004 (337000)
204 07/13/2004 (274532)
205 02/22/2002 (157590)
206 02/24/2006 (454384)
207 04/26/2005 (372080)
208 02/20/2003 (157591)
209 07/31/2002 (3028)
210 08/16/2002 (7757)
211 01/07/2005 (288575)
212 03/19/2001 (157592)
213 03/18/2002 (157593)
214 10/04/2004 (336250)
215 03/24/2003 (157594)
216 12/28/2004 (277182)
217 01/05/2005 (287246)
218 02/18/2003 (23956)

219 07/05/2004 (278078)
220 02/13/2004 (285169)
221 01/27/2006 (451469)
222 04/16/2001 (157597)
223 01/12/2004 (253433)
224 05/12/2003 (28024)
225 03/22/2003 (295171)
226 04/18/2002 (157598)
227 11/14/2003 (252631)
228 08/16/2002 (6072)
229 01/12/2006 (451560)
230 04/17/2003 (157599)
231 04/22/2004 (295172)
232 08/31/2004 (272440)
233 11/25/2002 (17129)
234 07/19/2004 (274762)
235 05/23/2001 (157601)
236 08/13/2005 (404828)
237 03/23/2001 (135764)
238 05/17/2002 (157602)
239 01/26/2006 (437271)
240 03/23/2001 (135765)
241 01/07/2005 (287050)
242 03/23/2001 (135766)
243 02/28/2006 (450758)
244 05/22/2003 (157603)
245 04/05/2001 (135767)
246 05/12/2004 (295174)
247 12/13/2004 (337068)
248 04/24/2001 (135768)
249 04/26/2001 (135769)
250 05/01/2001 (135770)
251 05/10/2001 (135771)

252 06/18/2001 (157605)
 253 06/17/2004 (295176)
 254 05/10/2001 (135772)
 255 06/24/2002 (157606)
 256 12/11/2004 (335371)
 257 03/28/2003 (23681)
 258 08/28/2003 (152166)
 259 06/24/2003 (157607)
 260 12/17/2004 (337094)
 261 05/15/2001 (135773)
 262 07/05/2004 (272521)
 263 08/24/2005 (406770)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/04/2001 (135773)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET REPORTS LATE TO

Date: 05/31/2001 (135774)
 Self Report? NO Classification: Moderate
 Citation:

Rqmt Prov: 30 TAC Chapter 116, SubChapter B 116.115(c)
 OP IA
 Description: Failure to Comply

Date: 07/31/2001 (157613)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2001 (157616)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (23681)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(c)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: The maintenance event and resulting unauthorized emissions were the result of human error during previous periodic maintenance. The ME emissions could have been prevented by proper planning.

Date: 08/12/2003 (114223)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Avoidable emissions event

Date: 10/31/2002 (157624)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/30/2004 (250202)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: Failure to comply with Special Condition No. 11A of TCEQ Permit No. 35735.

Date: 05/09/2002 (135819)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: VIOL OF TNRCC FLEX 30

Date: 12/28/2004 (288451)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 Rqmt Prov: PA IA
 Description: Failure to meet demonstration criteria.

Date: 08/23/2002 (4068)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Violation of 30 Tex. Admin. Code 116.115(c), category B13.

Date: 12/05/2005 (397651)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter H 115.783(5)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
PERMIT IA
Description: Failure to seal three open ended lines.

Date: 01/03/2002 (246526)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/23/2002 (5424)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TEXAS HEALTH AND SAFETY CODE 382.085
Description: Violation of Tex. Admin. Code 116.115(c) which requires the holders of the permit to comply with all conditions of the permit.

Date: 01/31/2002 (157590)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/15/2005 (399321)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: PA IA
Description: Failure to plug the open-ended lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
Rqmt Prov: PA IA
Description: Failure to maintain net heating value of flare header to a minimum value of 300 Btu/Scf.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.206(f)
Description: Failure to comply with 30 TAC 117.206(f) by operating the emergency generator between the hours of 6:00 AM and Noon.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.136(b)
Description: Failure to include PP-1 powder baghouse and vent CM-1307 in the title V permit within 60 days upon discovery.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)
Description: Failure to conduct extraordinary attempts to repair leaking valves within seven days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
Rqmt Prov: PA IA
Description: Failure to avoid visible emissions from flare for more than five minutes in any two hour period.

Date: 09/22/2003 (150004)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
Description: Failed to maintain flame at all times on flare GM-1401.

Date: 01/05/2005 (287246)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Exceeded permit limit during an avoidable emissions event.

Date: 06/13/2005 (418277)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to comply with chlorine residual limits for the discharge from the domestic sewage facility.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to analyze chlorine residual samples within hold time.

Date: 05/04/2001 (135772)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: OP IA
Description: UPSET DID NOT MEET EXE

F. Environmental audits.

Notice of Intent Date: 02/12/2004 (263978)
No DOV Associated

Notice of Intent Date: 02/12/2004 (263986)
No DOV Associated

Notice of Intent Date: 02/19/2004 (265125)
Disclosure Date: 09/22/2004

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A
111.111(a)(1)(B)

Req Prpv: PERMITmaert

Description: releasing polypropylene powder from relief valve

Notice of Intent Date: 11/06/2002 (29712)
No DOV Associated

Notice of Intent Date: 09/10/2001 (32788)
No DOV Associated

Notice of Intent Date: 07/15/2002 (32992)
Disclosure Date: 01/24/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter A
331.10(a)(G)

Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 11/06/2002 (33106)
No DOV Associated

Notice of Intent Date: 09/08/2005 (435727)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Jim

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING INNOVENE USA
LLC F/K/A BP AMOCO
CHEMICAL COMPANY D/B/A BP
AMOCO CHEMICAL
CHOCOLATE BAYOU PLANT
RN100238708

§
§
§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-0891-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Innovene USA LLC ("Innovene") f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant ("BP Amoco") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, through the Litigation Division, and Innovene presented this agreement to the Commission.

Innovene understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Innovene agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Innovene.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. BP Amoco owned and operated a petrochemical manufacturing plant located two miles south of Farm-to-Market Road ("FM") 2917 on FM 2004, Alvin, Brazoria County, Texas (the "Plant") until April 1, 2005 when it was sold to O&D USA LLC, which subsequently changed its name to Innovene USA LLC. Innovene USA LLC is the parent company of Innovene Holding Company LLC which, in turn, wholly owns Innovene. Until December 16, 2005, both BP Amoco and Innovene were wholly owned subsidiaries of BP America Inc. On December 16, 2005, BP America Inc. sold its 100% interest in Innovene LLC to Ineos Group.
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on May 22, 2003, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 4283 pounds (lbs) of 1,3-butadiene, 27,723 lbs of ethylene, 4892 lbs of propylene, 1630 lbs of propane, 1764 lbs of butane, 30,968 lbs of carbon monoxide, 451 lbs nitrogen dioxide, and 3626 lbs of nitrogen oxide from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003.
4. During an investigation on August 3, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 560.1 lbs of 1,3 butadiene when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004.
5. During an investigation on October 12, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 13,531 lbs of ethylene, 1195 lbs of propylene, 869 lbs of 1,3-butadiene, 236 lbs of acetylene, 237 lbs of butene from the Olefins 2 Unit and 380 lbs of propane, 18,466 of carbon monoxide, and 2458 lbs of nitrogen oxides from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004.
6. During an investigation on October 11, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 1996 pounds of propylene emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004.
7. During an investigation on February 22, 2005, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 18,540 lbs of ethylene, 6100 lbs of propylene, 1440 lbs of propane, 1226 lbs of 1,3 butadiene, 1041 lbs of butenes/butanes from the Olefins 1 Unit and 25,702 lbs of carbon monoxide, 378 lbs nitrogen dioxide, and 3043 lbs of nitrogen monoxide from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline;

thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004.

8. During an investigation on February 22, 2005, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 8378 lbs of ethylene, 6978 lbs of carbon monoxide, and 929 lbs of nitrogen oxides from the Olefins 1 Flare when BP failed to control the carbon monoxide concentration and temperature in the acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004.
9. During an investigation on October 5, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 124 lbs of 1,3- butadiene, 7848 lbs of ethylene, 114 lbs of pentene, 52 lbs of propane, 260 lbs of propylene, 6941 of carbon monoxide, 104 lbs of nitrogen dioxide, and 834 lbs of nitrogen monoxide when BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004.
10. BP Amoco received notices of the violations on or about May 26, 2004; August 4, 2004; January 2, 2005; January 11, 2005; January 16, 2005; February 27, 2005; May 1, 2005; June 7, 2005; September 16, 2005; November 12, 2005, and March 3, 2006.

II. CONCLUSIONS OF LAW

1. Innovene, formally known as BP Amoco is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, during an investigation on May 22, 2003, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 4283 pounds (lbs) of 1,3 butadiene, 27,723 lbs of ethylene, 4892 lbs of propylene, 1630 lbs of propane, 1764 lbs of butane, 30,968 lbs of carbon monoxide, 451 lbs nitrogen dioxide, and 3626 lbs of nitrogen oxide from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003 in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Flexible Permit No. 95, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Finding of Fact No. 4, during an investigation on August 3, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 560.1 lbs of 1,3 butadiene when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004 in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. As evidenced by Finding of Fact No. 5, during an investigation on October 12, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 13,531 lbs of ethylene, 1195 lbs of propylene, 869 lbs of 1,3 butadiene, 236 lbs of acetylene, 237 lbs of butene from the Olefins 2 Unit and 380 lbs of Propane, 18,466 of carbon monoxide, and 2458 lbs of nitrogen oxides from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004 in violation of Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. As evidenced by Finding of Fact No. 6, during an investigation on October 11, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 1996 pounds of propylene emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004 in violation of NSR Permit No. 19868, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. As evidenced by Finding of Fact No. 7, during an investigation on February 22, 2005, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 18,540 lbs of ethylene, 6100 lbs of propylene, 1440 lbs of propane, 1226 lbs of 1,3 butadiene, 1041 lbs of butenes/butanes from the Olefins 1 Unit and 25,702 lbs of carbon monoxide, 378 lbs nitrogen dioxide, and 3043 lbs of nitrogen monoxide from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline; thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004 in violation of Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
7. As evidenced by Finding of Fact No. 8, during an investigation on February 22, 2005, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 8378 lbs of ethylene, 6978 lbs of carbon monoxide, and 929 lbs of nitrogen oxides from the Olefins 1 Flare when BP failed to control the carbon monoxide concentration and temperature in the acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004 in violation of Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
8. As evidenced by Finding of Fact No. 9, during an investigation on October 5, 2004, TCEQ staff documented that BP Amoco failed to prevent the unauthorized emission of 124 lbs of 1,3-butadiene, 7848 lbs of ethylene, 114 lbs of pentene, 52 lbs of propane, 260 lbs of propylene, 6941 of carbon monoxide, 104 lbs of nitrogen dioxide, and 834 lbs of nitrogen monoxide when

BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004 in violation of Air Flexible Permit No. 95, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). BP Amoco was not eligible for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Innovene, formally known as BP Amoco for violations of the Texas Water Code and the Texas Health & Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of fifty-seven thousand two hundred dollars (\$57,200.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Innovene has paid twenty-eight thousand six hundred dollars (\$28,600.00) of the administrative penalty of fifty-seven thousand two hundred dollars (\$57,200.00).

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Innovene is assessed an administrative penalty in the amount of fifty-seven thousand two hundred dollars (\$57,200.00) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Innovene's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. The Commission however, shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Innovene USA LLC f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant, Docket No. 2004-0891-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Innovene shall implement and complete a Supplemental Environmental Project (SEP) in accordance with Tex. Water Code § 7.067. Twenty-eight thousand six hundred dollars (\$28,600.00) of the assessed administrative penalty of fifty-seven thousand two hundred dollars

(\$57,200.00) shall be offset with the condition that Innovene implement and complete the SEP defined in Attachment A, incorporated herein by reference. Innovene's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon Innovene. Innovene is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Innovene if the Executive Director determines that Innovene has not complied with one or more of the terms or conditions in this Agreed Order.
5. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
6. This Agreed Order, issued by the Commission, shall not be admissible against Innovene in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/14/07

Date

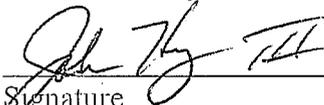
I, the undersigned, have read and understand the attached Agreed Order in the matter of Innovene USA LLC f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant. I represent that I am authorized to agree to the attached Agreed Order on behalf of Innovene USA LLC f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Innovene USA LLC f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

John Harvey III

Name (printed or typed)

Authorized Representative

Innovene USA LLC f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant

4/17/07

Date

Site Director

Title

Attachment A

Docket Number: 2004-0891-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Innovene USA, LLC, d/b/a BP Amoco Chemical Chocolate Bayou Plant

Penalty Amount: Fifty-Seven Thousand Two Hundred Dollars (\$57,200)

SEP Amount: Twenty-Eight Thousand Six Hundred Dollars (\$28,600)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston Area Emission Reduction Credit Organization (AERCO)

Location of SEP: Brazoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the **Houston-Galveston Area Emission Reduction Credit Organization (AERCO)** Clean Cities/Clean Vehicles Program will perform a SEP in Brazoria County pursuant to the agreement between AERCO and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap. AERCO will send a verification form to TCEQ in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emissions control technologies that are developed and approved by EPA or the California Air Resources Board.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces particulate emissions and hydrocarbons.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the check for any amount due shall include the notation "SEP Refund" and the docket number of the case, be made out to "Texas Commission on Environmental Quality", and be mailed to:

Innovene USA, LLC

Agreed Order – Attachment A Docket No. 2004-0891-AIR-E

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.