EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1839-AIR-E **TCEQ ID:** RN102535077 **CASE NO.:** 26897

RESPONDENT NAME: BP Products North America Inc.

ORDER TYPE:

__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	X AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: BP Products North America Texas City, 2401 5th Avenue South, Texas City, Galveston County

TYPE OF OPERATION: Refinery

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 17, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Section II, MC 219, (512) 239-2134; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Colin Maclean, Business Unit Leader, BP Products North America Inc., P.O. Box 401, Texas City, Texas 77592-0401

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigations Relating to this Case:** July 12, and August 4, 2004, April 5, June 1, August 4, and 11, 2005 **Dates of NOEs Relating to this Case:** August 30, September 1, 15, and 16, 2005. (NOE) **Background Facts:** This was a routine investigation. Three violations were documented. **AIR** 1) Failed to prevent the unauthorized release of air contaminants into the atmosphere, and failed to maintain opacity at 30% averaged over a six-minute period [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A), 116.115(c), Air Permit Nos. 8810 and PSD-TX-402M2, C-18706, 18707, 19599 and PSD-TX-023, Special Condition No.1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to equip an open-ended line with a cap, blind flange, plug, or a second valve [30 TEX. ADMIN. CODE §§ 101.20(2), 115.352(4), and 40 CODE OF FEDERAL REGULATIONS § 63.167(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent the unauthorized release of air contaminants into the atmosphere [30 TEX. ADMIN. CODE § 116.116(a), and TEX. HEALTH AND SAFETY CODE § 382.085(b)].	**Total Assessed:** $130,625 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $130,625 **Site Compliance History Classification:** __High __X_Avg. __Poor **Person Compliance History Classification:** __High __X_Avg. __Poor **Major Source:** __X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The Respondent has been issued 30 NOVs with same or similar violations, 12 NOVs without same or similar violations, one 1660 Order, and four Findings Orders.	**Corrective Actions Taken** The Executive Director recognizes that BP Products has implemented the following corrective measures at the Plant: a. On August 18, 2003, concerning Incident No. 25606 which occurred on August 8, 2003, BP Products installed new heat exchanger bundles in the fluid catalytic cracking unit 2 ("FCCU2"), and unit technicians replaced faulty wiring on November 30, 2004; b. On November 30, 2003, concerning Incident No. 17651 which occurred on March 18, 2003, BP Products re-routed the sour water tank vent at the FCCU3 to the low-pressure refinery fuel gas system. The gas is now recovered, scrubbed to remove hydrogen sulfide, and used in various combustion sources at the refinery; c. On November 11, 2004, concerning Incident No. 49293 which occurred on November 10, 2004, BP Products repaired the faulty level alarm on the vessel that overflowed on the UU3; d. On November 30, 2004, concerning Incident No. 49566 which occurred on November 17, 2004, BP Products replaced the faulty wiring in the Resid Hydrotreater Unit ("RHU"); e. On January 4, 2005, concerning Incident Nos. 51878 and 51879 which occurred on January 4, 2005, BP Products replaced the float in the liquid level controller on the 506-E depropanizer tower; f. On March 31, 2005, concerning Incident No. 49944 which occurred on November 24, 2004, BP Products replaced the level transmitter in the RHU during unit turnaround; g. On May 4, 2005, concerning Incident Nos. 54083 and 54088 which occurred on February 16, 2005, plant shift personnel responsible for proper functioning of plant equipment were instructed to check every shift for water in the instrument header at the FCCU3;

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
		h. On June 1, 2005, BP Products placed a plug on the open-ended line (tag no. 16333) at the FCCU3; i. On June 22, 2005, concerning Incident No. 55147 which occurred on February 25, 2005, BP re-trained all plant shift personnel responsible for proper functioning of the levels of the Pipestill 3A; j. On August 12, 2005, concerning Incident Nos. 58226, 58227 and 58231 which occurred on May 12, 2005, shift personnel responsible for proper flow and functioning of the light cat cycle oil ("LCCO") were re-trained, and the valve on the FCCU3 was closed and locked; k. On September 15, 2005, concerning Incident No. 54786 which occurred on March 3, 2005, BP Products implemented computer controller changes, and changes to startup procedures at the RHU; l. On September 28, 2005, concerning Incident Nos. 55442 and 55443 which occurred on March 17, 2005, the valve was repaired at the electrostatic precipitator; m. On September 28, 2005, concerning Incident Nos. 55487 and 56049 which occurred on March 18, 2005, the valve was repaired at the FCCU3; and n. On November 18, 2005, BP Product's notarized certification of compliance was received at the TCEQ.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES **Assigned** 06-Sep-2005
PCW 07-Feb-2006 **Screening** 12-Sep-2005 **EPA Due** 23-Jun-2006

RESPONDENT/FACILITY INFORMATION

Respondent	BP Products North America Inc.
Reg. Ent. Ref. No.	RN102535077
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	26897	**No. of Violations**	3
Docket No.	2005-1839-AIR-E	**Order Type**	Findings
Media Program(s)	Air Quality	**Enf. Coordinator**	Suzanne Walrath
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* $32,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **285%** Enhancement *Subtotals 2, 3, & 7* $92,625

Notes: The respondent has been issued 30 NOVs with same or similar violations, 12 NOVs without same or similar violations, one 1660 order, and four Findings Orders. The respondent also submitted three letters notifying of an audit, and disclosed violations three times with respect to those audits.

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

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply **10%** Reduction *Subtotal 5* -$3,250

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

Notes: The facility achieved compliance on 9/28/05 which is the last day that all repairs were completed at the plant concerning the unauthorized emission exceedances in this enforcement action.

Economic Benefit **50%** Enhancement* *Subtotal 6* $16,250

**Capped at the Total EB $ Amount*

Total EB Amounts	$447,301
Approx. Cost of Compliance	$3,345,795

SUM OF SUBTOTALS 1-7 **Final Subtotal** $138,125

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 $138,125

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $130,625

DEFERRAL 0% Reduction **Adjustment** $0

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

Notes: No deferral offered as this is a findings order.

PAYABLE PENALTY $130,625

Screening Date 12-Sep-2005 **Docket No.** 2005-1839-AIR-E **PCW**
Respondent BP Products North America Inc. *Policy Revision 2 (September 2002)*
Case ID No. 26897 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102535077
Media [Statute] Air Quality
Enf. Coordinator Suzanne Walrath

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 *(number of NOVs meeting criteria)*	30	150%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	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	4	100%
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 *(number of judgements or consent decrees meeting criteria)*	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 *(number of counts)*	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 *(number of audits for which notices were*	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	3	-6%
		Please Enter Yes or No	
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) **285%**

>> **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 respondent has been issued 30 NOVs with same or similar violations, 12 NOVs without same or similar violations, one 1660 order, and four Findings Orders. The respondent also submitted three letters notifying of an audit, and disclosed violations three times with respect to those audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **285%**

PCW

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

Screening Date 12-Sep-2005 **Docket No.** 2005-1839-AIR-E
Respondent BP Products North America Inc.
Case ID No. 26897
Reg. Ent. Reference No. RN102535077
Media [Statute] Air Quality
Enf. Coordinator Suzanne Walrath

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(A), 116.115(c), and TCEQ Air Permit Nos. 8810 and PSD-TX-402M2, C-18706, 18707, 19599 and PSD-TX-023, Special Condition No. 1

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

Violation Description Failed to prevent the unauthorized release of air contaminants into the atmosphere, and failed to maintain opacity at 30% averaged during a six-minute period. Please see attached table for details. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

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 -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 11

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $27,500

Eleven single events are recommended for the eleven emission events (see attached table for details).

Economic Benefit (EB) for this violation

Estimated EB Amount $447,301

Statutory Limit Test

Violation Final Penalty Total $116,875

This violation Final Assessed Penalty (adjusted for limits) $110,000

Economic Benefit Worksheet

Respondent BP Products North America Inc.
Case ID No. 26897
Reg. Ent. Reference No. RN102535077
Media [Statute] Air Quality
Violation No. 1

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)	$3,345,595	18-Mar-2003	18-Nov-2005	2.7	$447,301	n/a	$447,301

Notes for DELAYED costs These costs represent the amount to repair the units that were the cause of the emission events beginning on the date of the first event, and ending on the date that the certification of compliance was received.

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 $3,345,595

TOTAL $447,301

Screening Date 12-Sep-2005 **Docket No.** 2005-1839-AIR-E **PCW**

Respondent BP Products North America Inc. *Policy Revision 2 (September 2002)*

Case ID No. 26897 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102535077

Media [Statute] Air Quality

Enf. Coordinator Suzanne Walrath

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 115.352(4), and 40 Code of Federal Regulations § 63.167(a)(1)

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

Violation Description Failed to equip an open-ended line (tag no. 16333) in the fluid catalytic cracking unit 3 ("FCCU3") with a cap, blind flange, plug, or a second valve. The estimated amount of fugitive VOC emissions from this open ended line is 0.12 lbs.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

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 -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended for the event which occurred on 6/1/05, as documented by the inspection which occurred on 6/1/05.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $10,625

This violation Final Assessed Penalty (adjusted for limits) $10,625

Economic Benefit Worksheet

Respondent BP Products North America Inc.
Case ID No. 26897
Reg. Ent. Reference No. RN102535077
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
	No commas or $						
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)	$100	01-Jun-2005	01-Jun-2005	0.0	$0	n/a	$0

Notes for DELAYED costs These costs represent the amount to repair the valve on the FCCU3, beginning on the date the open-ended line was discovered, and ending on the same day when it was repaired.

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 $100

TOTAL $0

Screening Date 12-Sep-2005 **Docket No.** 2005-1839-AIR-E **PCW**

Respondent BP Products North America Inc. *Policy Revision 2 (September 2002)*

Case ID No. 26897 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102535077

Media [Statute] Air Quality

Enf. Coordinator Suzanne Walrath

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.116(a)

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

Violation Description Failed to prevent the unauthorized release of air contaminants into the atmosphere from the UU3. Specifically, an operator failed to close a valve to the blowdown system in the UU3 (Incident No. 49293). The drum was full, and as a result, it overflowed to the blowdown stack which then released liquid. The spilled liquid vaporized, and released seven pounds of benzene, 28 lbs. of toluene, and 904 lbs. of unauthorized VOCs to the atmosphere. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

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 -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended for the one emission event which occurred on 11/10/04.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $10,625

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent BP Products North America Inc.
Case ID No. 26897
Reg. Ent. Reference No. RN102535077
Media [Statute] Air Quality
Violation No. 3

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)	$100	10-Nov-2004	11-Nov-2004	0.0	$0	n/a	$0

Notes for DELAYED costs These costs represent the amount to repair the faulty level alarm on the vessel that overflowed on the UU3, beginning on the date the event occurred, and ending the next day when it was repaired.

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 $100

TOTAL $0

BP Products North America Inc.
RN102535077
Docket No. 2005-1839-AIR-E

Incident No.	Violation No. 1 - Date/ Permit No./ Cause	Unauthorized Emissions	Incident No.	Date/Permit No./Cause	Unauthorized Emissions
17651	3/18 - 3/19/03 - New Source Review ("NSR") Permit No. 18707: BP failed to prevent the over pressure of Tank Nos. 159 and 161 at the fluid catalytic cracking unit 3 ("FCCU3"), and it began venting to the atmosphere. (19 hrs.)	3,989 lbs. of Volatile Organic Compounds ("VOCs")	55147	2/25/05 - NSR Permit No. 19599 and PSD-TX-023: The light feed to the Pipestill 3A unit resulted in a pressure surge which caused a release from relief valve no. 189 to the atmosphere. (22 min.)	45 lbs. of butane, 2,512 lbs. of hexane, 9 lbs. of isobutane, 1,710 lbs. of isopentane, 1,238 lbs. of pentane, 81 lbs. of benzene, and 20 lbs. of H_2S
25606	8/8 - 8/18/03 - NSR Permit C-18706: BP failed to prevent a heat exchanger leak which occurred at the fluid catalytic cracking unit 2 ("FCCU2") cooling tower. (247 hrs.)	14,260 lbs. of VOCs	54786	3/3/05 - NSR Permit No. 8810 and PSD-TX-402M2: BP failed to prevent an increase in system pressure at the RHU, which caused a pressure controller to relieve to the CRPII Flare (EPN No. 501). (5 hrs., 50 min.)	2,368 lbs. of SO_2, and 215 lbs. of CO
49566	11/17/04 - NSR Permit No. 8810 and PSD-TX-402M2: The electrical relay failed on the switchgear cubicle to the 557J light hydrocarbon compressor, causing the 557J compressor to trip and flare at the CRPII Flare[Emission Point No. ("EPN") No. 501] at the Resid Hydrotreating Unit ("RHU"). (40 min.)	1,765 lbs. of sulfur dioxide ("SO_2"), 0.39 lbs. of nitrogen dioxide ("NO_2"), 3 lbs. of nitrogen oxide ("NOx"), and 37 lbs. of carbon monoxide ("CO")	55442 & 55443	3/17/05 - NSR Permit No. 18707 - BP failed to prevent a malfunction of a north upper slide valve which caused high differential pressure between a regenerator and a reactor at the FCCU3, and also caused an unplanned shutdown of the electrostatic precipitator ("ESP"). This resulted in an 87% opacity for 6 min.	18 lbs. of alumina silica catalyst fines, and a 87% opacity for 6 minutes
49944	11/24/04 - NSR Permit No. 8810 and PSD-TX-402M2: The L2467 A & B level transmitters at the RHU failed and caused the 201-E High Pressure Amine Absorber oil side to become full of liquid. This caused increased pressure to the system, and the 207-F flash drum pressure controller opened to the CP II flare (EPN No. 501). (9 hrs., 24 min.)	7,696 lbs. of SO_2, 59 lbs. of NOx, 7 lbs. of NO_2 and 711 lbs. of CO	55487 & 56049	3/18/05 - NSR Permit No. 18707: BP failed to prevent a slide valve failure at the FCCU3 which caused a decrease in reactor pressure and inlet temperature. The decrease in pressure and temperature caused a low plug valve malfunction which shutdown the unit and resulted in emissions from Flare No. 5 to the atmosphere. (2 hrs., 55 min.)	2,211 lbs. Of VOCs
51878 & 51879	1/4/05 - NSR Permit No. 18707: BP failed to prevent the malfunction of a liquid level controller (L4834) on the 506-E depropanizer tower, which resulted in emissions from Flares No. 3 and 5 to the atmosphere. (13 hrs. 36 min.)	2100 lbs. of VOCs, and 27 lbs. hydrogen sulfide ("H_2S")	58226, 58227, & 58231	5/12/05 - NSR Permit No. 18707: BP failed to properly direct the flow of Light Cat Cycle Oil ("LCCO") from a loading dock during an oil movements line-up procedure. The LCCO was inadvertently routed to FCCU3, which resulted in an increase in reactor pressure and the shutdown of the unit. The shutdown of the unit resulted in the release of unauthorized emissions from the ESP stack to the atmosphere. This also resulted in an 89% opacity for 6 minutes. (14 hrs., 16 min.)	4,028 lbs. of VOCs, 13.44 lbs. of H_2S, 15.42 lbs. of alumina silica catalyst fines, and an 89% opacity for 6 minutes.
54083 & 54088	2/16/05 - NSR Permit No. 18707 - BP failed to prevent excessive water from collecting in an instrument air header which caused an increase in reactor pressure that resulted in venting to Flare No. 3 at the FCCU3, and also caused an unplanned shutdown of the ESP. This resulted in a 59% opacity for 6 minutes. (6 min.)	62 lbs. of alumina silica catalyst fines, and a 59% opacity for 6 minutes			

Compliance History

Customer/Respondent/Owner-Operator:	CN600866800	BP Products North America Inc.	Classification: AVERAGE	Rating: 1.48
Regulated Entity:	RN102535077	BP PRODUCTS NORTH AMERICA TEXAS CITY	Classification: AVERAGE	Site Rating: 4.88

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	1940
AIR NEW SOURCE PERMITS	PERMIT	2231
AIR NEW SOURCE PERMITS	PERMIT	2315
AIR NEW SOURCE PERMITS	PERMIT	2529
AIR NEW SOURCE PERMITS	PERMIT	2608
AIR NEW SOURCE PERMITS	PERMIT	2609
AIR NEW SOURCE PERMITS	PERMIT	2610A
AIR NEW SOURCE PERMITS	PERMIT	2612
AIR NEW SOURCE PERMITS	PERMIT	2938
AIR NEW SOURCE PERMITS	PERMIT	3598
AIR NEW SOURCE PERMITS	PERMIT	3758
AIR NEW SOURCE PERMITS	PERMIT	4714
AIR NEW SOURCE PERMITS	PERMIT	6488
AIR NEW SOURCE PERMITS	PERMIT	6592
AIR NEW SOURCE PERMITS	PERMIT	6600
AIR NEW SOURCE PERMITS	PERMIT	7085
AIR NEW SOURCE PERMITS	PERMIT	9463
AIR NEW SOURCE PERMITS	PERMIT	9606
AIR NEW SOURCE PERMITS	PERMIT	10060
AIR NEW SOURCE PERMITS	PERMIT	10129
AIR NEW SOURCE PERMITS	PERMIT	10156
AIR NEW SOURCE PERMITS	PERMIT	10212
AIR NEW SOURCE PERMITS	PERMIT	10597
AIR NEW SOURCE PERMITS	PERMIT	11173
AIR NEW SOURCE PERMITS	PERMIT	11175
AIR NEW SOURCE PERMITS	PERMIT	11176
AIR NEW SOURCE PERMITS	PERMIT	11787
AIR NEW SOURCE PERMITS	PERMIT	13666
AIR NEW SOURCE PERMITS	PERMIT	13667
AIR NEW SOURCE PERMITS	PERMIT	15163
AIR NEW SOURCE PERMITS	PERMIT	15271
AIR NEW SOURCE PERMITS	PERMIT	15378
AIR NEW SOURCE PERMITS	PERMIT	15436
AIR NEW SOURCE PERMITS	PERMIT	15458
AIR NEW SOURCE PERMITS	PERMIT	15497
AIR NEW SOURCE PERMITS	PERMIT	15766
AIR NEW SOURCE PERMITS	PERMIT	18506
AIR NEW SOURCE PERMITS	PERMIT	19297
AIR NEW SOURCE PERMITS	PERMIT	19599
AIR NEW SOURCE PERMITS	PERMIT	20492
AIR NEW SOURCE PERMITS	PERMIT	20850
AIR NEW SOURCE PERMITS	PERMIT	22107
AIR NEW SOURCE PERMITS	PERMIT	22932
AIR NEW SOURCE PERMITS	PERMIT	24608
AIR NEW SOURCE PERMITS	PERMIT	24936
AIR NEW SOURCE PERMITS	PERMIT	38048
AIR NEW SOURCE PERMITS	PERMIT	39093
AIR NEW SOURCE PERMITS	PERMIT	41275
AIR NEW SOURCE PERMITS	PERMIT	46052
AIR NEW SOURCE PERMITS	PERMIT	46042
AIR NEW SOURCE PERMITS	PERMIT	46255
AIR NEW SOURCE PERMITS	PERMIT	46725
AIR NEW SOURCE PERMITS	PERMIT	46724
AIR NEW SOURCE PERMITS	PERMIT	47256
AIR NEW SOURCE PERMITS	PERMIT	47563
AIR NEW SOURCE PERMITS	PERMIT	47695
AIR NEW SOURCE PERMITS	PERMIT	47696
AIR NEW SOURCE PERMITS	PERMIT	47956
AIR NEW SOURCE PERMITS	PERMIT	47955
AIR NEW SOURCE PERMITS	PERMIT	47954
AIR NEW SOURCE PERMITS	PERMIT	48412
AIR NEW SOURCE PERMITS	PERMIT	83550
AIR NEW SOURCE PERMITS	PERMIT	49200

AIR NEW SOURCE PERMITS	PERMIT	49771
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0004L
AIR NEW SOURCE PERMITS	PERMIT	51875
AIR NEW SOURCE PERMITS	PERMIT	49128
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0004R
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0004L
AIR NEW SOURCE PERMITS	REGISTRATION	75507
AIR NEW SOURCE PERMITS	REGISTRATION	56657
AIR NEW SOURCE PERMITS	AFS NUM	0001
AIR NEW SOURCE PERMITS	PERMIT	PSDTX981
AIR NEW SOURCE PERMITS	PERMIT	56136
AIR NEW SOURCE PERMITS	PERMIT	70427
AIR NEW SOURCE PERMITS	EPA ID	PSDTX649
AIR NEW SOURCE PERMITS	PERMIT	71839
AIR NEW SOURCE PERMITS	REGISTRATION	72163
AIR NEW SOURCE PERMITS	PERMIT	55478
AIR NEW SOURCE PERMITS	PERMIT	53892
AIR NEW SOURCE PERMITS	PERMIT	50798
AIR NEW SOURCE PERMITS	PERMIT	54051
AIR NEW SOURCE PERMITS	PERMIT	52467
AIR NEW SOURCE PERMITS	PERMIT	54721
AIR NEW SOURCE PERMITS	PERMIT	PSDTX402
AIR NEW SOURCE PERMITS	EPA ID	PSDTX981
AIR NEW SOURCE PERMITS	REGISTRATION	76550
AIR NEW SOURCE PERMITS	EPA ID	PSDTX402
UNDERGROUND INJECTION CONTROL	PERMIT	WDW080
UNDERGROUND INJECTION CONTROL	PERMIT	WDW127
UNDERGROUND INJECTION CONTROL	PERMIT	WDW128
UNDERGROUND INJECTION CONTROL	PERMIT	WDW214
UNDERGROUND INJECTION CONTROL	PERMIT	WDW215
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008080533
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30139
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50255
WASTE WATER GENERAL PERMIT	PERMIT	WQ0000443000
WASTE WATER GENERAL PERMIT	PERMIT	TXG670029
WASTEWATER	PERMIT	WQ0000443000
WASTEWATER	PERMIT	TPDES0003522
AIR OPERATING PERMITS	PERMIT	2657
AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0004L
AIR OPERATING PERMITS	PERMIT	1541
AIR OPERATING PERMITS	PERMIT	2328
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50255
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30139

Location: 2401 5TH AVE S, TEXAS CITY, TX, 77590 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 02, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 02, 2000 to November 02, 2005

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

Name: Suzanne Walrath Phone: 512/239-2134

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? No
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.

Effective Date: 07/15/2005 ADMINORDER 2004-1532-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to prevent the unauthorized emission of volatile organic compounds (VOCs) exceeding the maximum allowable emission rate from the Ultraformer No. 4 Unit during a period of 2 hours and 55 minutes on March 30, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit an administratively complete final emissions event report with the preconstruction authorization number and the authorized emission limits.

Effective Date: 03/20/2003 ADMINORDER 2001-0329-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 112, SubChapter B 112.31
30 TAC Chapter 112, SubChapter B 112.32
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Discharging one or more air contaminants in such a concentration and of such duration as are or may tend to be injurious to human health or welfare, as documented during TCEQ mobile monitoring conducted from 1995-2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to continuously monitor the fuel gas in Distillate Desulfurization Unit (DDU) No. 300 during Third and Fourth Quarters of 2000.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include cylinder gases certified values in the CEMS reports for FCCU Nos. 1, 2, 3, DDU. Nos. 200 & 300, Hydrogen Recovery Unit, Sulfur Recovery Unit, and Power Stations Nos. 3 and 4 for First Quarter 1997 thru Fourth Quarter 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to close the sampling hatch on Tank No. 91.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.131(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to control emissions from the Pipestill 3A water separator during a maintenance activity during the week of February 19, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)
30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all the required information in the initial notification and final report for the week of March 8, 2001 upset at FCCU No. 3.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent the unauthorized emissions resulting from a corroded pipeline rupture in FCCU No. 3 on March 8, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report a reportable upset that occurred on March 27-29, 2001 at FCCU No. 3 within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4 PERMIT

Description: Exceeded the allowable hourly emission rate for SO2 at FCCU No. 3 on March 27-29, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include an estimate of the catalyst emission in the initial and final reports for the November 21, 2000 upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 7 PERMIT

Description: Failed to control excess opacity and catalyst emissions from an upset at FCCU No. 1 on 11/21/00 resulting in nuisance conditions.

Effective Date: 02/02/2003 ADMINORDER 2002-0524-IWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with permit limits for Oil and Grease and Total Organic Carbon.

Effective Date: 03/09/2002 ADMINORDER 1999-1278-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.32
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceed the 30-minute hydrogen sulfide net ground level concentration standard of 0.12 parts per million on September 29, 1998 from 12:55 a.m. to 1:25 a.m.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(b)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded the sulfur dioxide 30-minute net ground level concentration of 0.28 parts per million by volume on September 29, 1998 from 3:25 am.m to 3:55 a.m.

Effective Date: 08/29/2005 ADMINORDER 2005-0284-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 2315 Special Condition #1, PERMIT
Special Condition 7 PERMIT

Description: Failed to comply with permitted emissions limits and allowed unauthorized emissions.

See addendum for information regarding federal actions.

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 04/13/2003 (31555)
2 12/30/2002 (156257)
3 12/27/2001 (156256)
4 08/09/2002 (4413)
5 06/26/2002 (1427)
6 12/20/2000 (156255)
7 05/07/2003 (28250)
8 11/11/2004 (281947)

9	12/14/2004	(338914)
10	09/23/2003	(294633)
11	03/22/2005	(372568)
12	11/25/2002	(156253)
13	01/10/2005	(339436)
14	05/26/2005	(345468)
15	09/16/2005	(406970)
16	10/21/2003	(294635)
17	12/27/2004	(274786)
18	12/16/2004	(339023)
19	12/14/2004	(340622)
20	11/24/2003	(294636)
21	11/26/2001	(156252)
22	04/28/2005	(378515)
23	12/14/2004	(339099)
24	09/23/2005	(432666)
25	12/19/2003	(294637)
26	11/21/2000	(156251)
27	01/22/2004	(294638)
28	05/11/2005	(374665)
29	02/23/2005	(350619)
30	10/19/2004	(290690)
31	08/30/2005	(405036)
32	08/31/2005	(406160)
33	04/24/2004	(254305)
34	08/16/2004	(276410)
35	02/23/2005	(350617)
36	04/25/2005	(377475)
37	05/16/2003	(38169)
38	11/19/2004	(339371)
39	01/07/2005	(291517)
40	09/26/2002	(12389)
41	05/26/2005	(282424)
42	08/24/2004	(351823)
43	12/27/2004	(283778)
44	04/26/2004	(251990)
45	10/21/2002	(156249)
46	04/22/2005	(377248)
47	08/31/2002	(7829)
48	04/08/2005	(345065)
49	12/13/2004	(282146)
50	02/15/2001	(246482)
51	10/24/2001	(156248)
52	09/01/2004	(291363)
53	12/22/2004	(344971)
54	02/14/2005	(341146)
55	01/04/2005	(289427)
56	11/05/2004	(339795)
57	08/23/2005	(400386)
58	06/29/2005	(348404)
59	12/31/2004	(344475)
60	12/16/2004	(338936)

61	09/23/2004	(351824)
62	04/20/2005	(252264)
63	07/18/2005	(380177)
64	11/29/2004	(340626)
65	03/28/2003	(28935)
66	12/27/2004	(283882)
67	08/29/2005	(403471)
68	05/16/2003	(38170)
69	02/10/2005	(282617)
70	09/23/2002	(156246)
71	10/25/2004	(351825)
72	12/28/2004	(281660)
73	12/28/2004	(339638)
74	08/31/2002	(4786)
75	10/12/2005	(252191)
76	04/13/2003	(31558)
77	11/04/2003	(248163)
78	08/30/2005	(418478)
79	01/03/2005	(284492)
80	09/24/2001	(156245)
81	10/19/2004	(291164)
82	03/18/2003	(20996)
83	04/24/2004	(254307)
84	01/19/2005	(337943)
85	11/16/2004	(351826)
86	03/22/2005	(373360)
87	05/11/2003	(28139)
88	04/09/2004	(268950)
89	09/14/2005	(406870)
90	09/15/2005	(377149)
91	06/03/2004	(268798)
92	11/21/2000	(156243)
93	02/22/2005	(381703)
94	09/11/2003	(247716)
95	09/05/2002	(9375)
96	09/25/2002	(7870)
97	03/21/2005	(381704)
98	05/27/2004	(272970)
99	08/12/2003	(149114)
100	08/23/2002	(156242)
101	08/31/2002	(7795)
102	12/13/2004	(339102)
103	12/27/2004	(381705)
104	10/25/2004	(351827)
105	08/29/2001	(156241)
106	06/28/2005	(392489)
107	11/05/2004	(339757)
108	08/14/2002	(3273)
109	10/01/2004	(293097)
110	09/26/2002	(12042)
111	12/14/2004	(339132)
112	05/25/2005	(392490)

113	01/03/2005	(284816)
114	07/22/2003	(156239)
115	11/18/2004	(341134)
116	07/27/2004	(259089)
117	08/18/2005	(404903)
118	11/29/2004	(339366)
119	09/05/2003	(148573)
120	12/14/2004	(338125)
121	09/30/2004	(286082)
122	07/23/2002	(156238)
123	11/19/2004	(339082)
124	12/18/2002	(13671)
125	07/24/2001	(156237)
126	09/05/2002	(9373)
127	12/08/2003	(255385)
128	05/26/2004	(268395)
129	08/12/2005	(401566)
130	01/28/2004	(257477)
131	03/04/2004	(263718)
132	04/20/2005	(373601)
133	08/24/2005	(404566)
134	08/31/2004	(268075)
135	05/19/2004	(271625)
136	11/18/2004	(341140)
137	03/10/2004	(263897)
138	03/18/2004	(253458)
139	12/20/2004	(344346)
140	06/02/2004	(268755)
141	06/18/2003	(156235)
142	12/13/2004	(340541)
143	08/08/2005	(400685)
144	03/28/2003	(28949)
145	09/01/2004	(286037)
146	03/28/2003	(28942)
147	06/24/2002	(156234)
148	01/07/2004	(259035)
149	12/20/2004	(339027)
150	08/19/2005	(394676)
151	09/30/2004	(286092)
152	05/02/2003	(280657)
153	06/28/2001	(156233)
154	09/30/2004	(286067)
155	10/07/2005	(393826)
156	12/13/2004	(336747)
157	06/04/2004	(270179)
158	01/04/2005	(339567)
159	04/01/2005	(345035)
160	05/27/2004	(273891)
161	03/04/2004	(263712)
162	11/16/2004	(340113)
163	05/23/2003	(156231)
164	07/15/2004	(261949)

165	01/06/2005	(288366)
166	09/11/2003	(247715)
167	09/14/2005	(403367)
168	12/29/2004	(344652)
169	12/10/2004	(338900)
170	01/07/2005	(341103)
171	05/23/2002	(156230)
172	04/25/2005	(377472)
173	02/23/2005	(350616)
174	12/14/2001	(IE0017395001001)
175	08/31/2004	(280950)
176	12/09/2004	(340663)
177	02/18/2005	(343652)
178	05/18/2001	(156229)
179	08/19/2005	(402460)
180	07/12/2002	(1488)
181	09/01/2004	(286055)
182	02/24/2004	(261244)
183	04/21/2003	(156227)
184	05/29/2003	(34942)
185	04/22/2002	(156226)
186	06/23/2005	(350406)
187	04/18/2005	(419497)
188	12/20/2004	(338583)
189	12/31/2004	(345043)
190	01/19/2005	(337942)
191	05/27/2004	(273737)
192	12/16/2004	(338890)
193	04/23/2001	(156225)
194	05/20/2005	(419498)
195	11/29/2004	(340639)
196	08/08/2005	(274224)
197	12/17/2004	(340853)
198	09/01/2004	(288979)
199	03/10/2005	(371700)
200	06/17/2005	(419499)
201	08/28/2002	(9794)
202	09/16/2005	(285680)
203	08/28/2002	(9781)
204	04/25/2005	(419500)
205	09/15/2003	(248772)
206	11/19/2004	(340338)
207	11/21/2002	(11937)
208	11/29/2004	(340062)
209	09/19/2005	(404902)
210	03/03/2005	(373069)
211	05/27/2004	(273749)
212	03/28/2003	(28893)
213	08/29/2005	(400410)
214	11/05/2004	(339803)
215	08/16/2005	(403465)
216	08/22/2005	(402317)

217	08/31/2002	(7886)
218	03/24/2003	(156222)
219	09/15/2005	(260589)
220	08/31/2002	(4776)
221	09/01/2004	(291083)
222	08/24/2005	(404569)
223	12/29/2004	(338297)
224	03/03/2005	(372375)
225	01/06/2005	(288634)
226	03/21/2002	(156221)
227	08/31/2004	(283764)
228	08/08/2005	(398880)
229	01/06/2005	(292125)
230	05/19/2004	(271629)
231	12/20/2004	(339872)
232	03/19/2001	(156220)
233	05/16/2003	(29638)
234	09/26/2002	(12031)
235	12/09/2004	(340574)
236	11/23/2004	(333630)
237	12/14/2004	(338108)
238	08/13/2004	(274408)
239	07/22/2005	(345720)
240	08/02/2005	(397176)
241	04/06/2004	(252241)
242	02/24/2003	(156219)
243	05/26/2005	(341932)
244	12/27/2004	(344688)
245	08/31/2004	(287046)
246	06/18/2004	(266747)
247	07/26/2005	(397181)
248	11/19/2004	(341137)
249	01/18/2005	(268595)
250	02/21/2003	(281259)
251	02/25/2002	(156218)
252	09/01/2005	(400327)
253	09/30/2004	(280208)
254	02/23/2001	(156217)
255	11/29/2004	(340125)
256	04/07/2005	(344347)
257	08/13/2004	(274792)
258	12/16/2004	(338891)
259	08/24/2005	(404560)
260	03/01/2004	(435191)
261	11/04/2004	(339482)
262	08/30/2005	(403600)
263	11/29/2004	(339078)
264	12/13/2004	(336751)
265	04/25/2005	(377471)
266	12/16/2004	(338892)
267	10/01/2004	(289600)
268	12/20/2004	(344329)

269	12/13/2004	(339031)
270	09/06/2005	(399764)
271	05/25/2005	(379936)
272	12/14/2004	(339128)
273	12/28/2004	(291446)
274	12/09/2004	(338894)
275	03/28/2003	(28927)
276	08/31/2004	(283681)
277	05/13/2003	(33667)
278	08/31/2004	(285140)
279	08/19/2005	(402082)
280	10/12/2005	(433061)
281	01/06/2005	(284616)
282	09/01/2004	(291452)
283	01/06/2005	(341553)
284	12/31/2004	(289229)
285	09/27/2005	(394338)
286	02/23/2004	(294620)
287	05/27/2004	(273717)
288	12/13/2004	(339270)
289	09/11/2003	(247707)
290	12/29/2004	(339794)
291	11/10/2003	(254108)
292	08/28/2002	(9817)
293	08/13/2004	(274627)
294	01/03/2005	(338765)
295	05/20/2005	(377045)
296	10/11/2005	(432303)
297	03/16/2004	(294622)
298	12/28/2004	(340682)
299	05/19/2004	(271621)
300	04/13/2004	(294623)
301	11/19/2004	(339079)
302	02/26/2003	(14741)
303	05/09/2005	(379955)
304	08/19/2004	(289922)
305	10/12/2005	(433072)
306	12/14/2004	(338239)
307	08/31/2004	(272768)
308	05/17/2004	(294625)
309	07/19/2004	(281796)
310	09/16/2005	(380788)
311	06/21/2004	(294627)
312	08/13/2004	(274430)
313	01/10/2005	(340723)
314	09/15/2005	(418585)
315	12/08/2004	(335444)
316	07/12/2004	(294629)
317	08/15/2005	(404281)
318	12/31/2003	(250496)
319	11/26/2004	(267345)
320	12/08/2003	(255379)

321 01/22/2003 (156261)
322 08/08/2005 (336477)
323 05/20/2005 (379096)
324 12/14/2004 (339131)
325 05/11/2005 (373962)
326 01/02/2004 (250803)
327 12/14/2004 (340656)
328 12/20/2004 (339263)
329 08/31/2004 (283738)
330 12/29/2004 (288544)
331 12/28/2004 (344613)
332 08/25/2003 (294631)
333 01/23/2002 (156260)
334 05/27/2004 (272823)
335 12/30/2004 (284317)
336 11/11/2004 (282297)
337 03/28/2003 (28954)
338 04/13/2003 (31549)
339 12/31/2004 (284156)
340 08/31/2004 (278218)
341 01/16/2001 (156259)
342 11/22/2004 (282861)
343 12/16/2004 (340555)

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

N/A

Date: 11/30/2000 (156255)

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: 10/31/2002 (156253)

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: 05/26/2005 (345468)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent an avoidable emissions event.

Failure to avoid leak in the system.

Date: 05/23/2005 (377045)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Rqmt Prov: PERMIT IA

Description: Facility did not maintain ammonia emissions below permitted level.
Facility exceeded NH3 slip

Date: 09/14/2005 (406870)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to maintain steady catalyst circulation rates while the unit was operating at reduced throughput.

Date: 08/30/2004 (268075)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Exceeded VOC permit limit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Exceeded VOC limits.

Date: 02/15/2001 (246482)

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

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: 02/18/2005 (343652)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: BP failed to properly control the air flow in the ESP Stack resulting in an opacity of 57%, averaged over a six-minute period, for 30 minutes.

Date: 01/02/2004 (250803)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: BP failed to properly control VOC, H2S, and CO emissions during a Coker C Drum cooldown cycle.

Date: 04/24/2004 (254305)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to properly report an emissions event.

Date: 12/27/2004 (283882)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Exceeded permit limits during an avoidable emissions event.

Date: 08/31/2002 (156246)

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 (156245)

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: 09/15/2005 (418585)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: BP failed to prevent a leak from the short loop in the regeneration system.

Date: 07/15/2004 (261949)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent VOC leaks during a transfer operation.

Date: 09/14/2005 (403367)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Failure to prevent an avoidable emissions event.

Date: 08/23/2005 (402317)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Failure to prevent an avoidable emissions event.

Date: 12/31/2003 (250496)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: BP failed to properly control VOC and H2S emissions during a shutdown operation.

Date: 11/30/2004 (381705)
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: 04/24/2004 (254307)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to properly report an emissions event.

Date: 06/30/2001 (156237)
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: 01/03/2005 (284492)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Exceeded permit limit during an avoidalbe emissions event.

Date: 11/22/2004 (282861)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Avoidable upset which caused visible emissions with opacity over 30% for more than six minutes.

Date: 02/28/2003 (156222)
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: 01/06/2005 (288366)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: BP Products North America, Texas City, failed to properly maintain and operate the J-475 wet gas compressor. BP failed to repair the power piston to prevent sticking in the 38% - 42% position for extended periods of time, which in-turn caused the turbine to trip.

Date: 01/31/2003 (156219)

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: 04/06/2004 (252241)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Exceeded a permit limit during an emissions event.

Date: 12/29/2004 (288544)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: BP representatives failed to properly maintain or operate the 10 ft. K-ray level detector on the F-301B coke drum. BP failed to repair the 10 ft. K-ray level detector on the F-301B coke drum for a extended period of time, which in-turn caused the turbine to trip.

Date: 01/06/2005 (284616)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(c)

Description: BP failed to submit initial and final notifications in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to prevent the overpressure of the 401E overhead tower

Date: 12/15/2004 (282146)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to prevent the premature failure of the SO2 analyzer and the pH analyzer.

Date: 06/09/2004 (269846)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Facility failed to prevent a nuisance violation.

Date: 01/06/2005 (292125)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to prevent the H3566 relief valve from leaking to the CRPII Flare (501).

Date: 09/05/2003 (148573)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: BP failed to control emissions during a caustic dumping operation.

Date: 09/16/2005 (406970)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain proper catalyst aeration and catalyst circculation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)

Description: BP failed to submit a written Initial Notification for Incident # 55146 to the TCEQ within 24 hours of discovery of the incident.

Date: 05/26/2005 (341932)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent the release of Freon emissions to the atmosphere.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to report in a timely manner.

Date: 01/03/2005 (284816)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded opacity limits during an avoidable emissions event.

Date: 12/31/2002 (156261)

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: 12/21/2004 (344971)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Description: BP maintenance personnel failed to lockout the switch to the UPS output static switch and they failed to prevent a precipitator trip that resulted in an opacity of 73% (averaged over two (2) six-minute periods).

Date: 12/28/2004 (291446)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to prevent the J4 air blower surge.

Date: 08/19/2005 (394676)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: BP failed to prevent an avoidable emissions event.

Date: 07/27/2004 (259089)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Exceeded permit limit during an avoidable emissions event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)

Description: Failure to submit final report via STEERS

Date: 01/07/2005 (341103)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to an unscheduled shutdown.

F. Environmental audits.

Notice of Intent Date: 06/17/2003 (251315)
Disclosure Date: 12/16/2003

Viol. Classification: Moderate YES

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) Req Prpv: PERMIT2610

Description: Failure to comply with permit special condition by allowing emissions from atmospheric vents Nos. 1 and 2 emit to the atmosphere instead of first going to the flare.

Viol. Classification: Moderate YES

Citation: 30 TAC Chapter 115, SubChapter B 115.127(a)
(2)[G]

Description: Emissions from the short loop vents exceeded the exemption criteria level on an intermittent basis.

Notice of Intent Date: 07/15/2002 (32987)
Disclosure Date: 01/23/2003

Viol. Classification: Moderate YES

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

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

Notice of Intent Date: 05/21/2002 (35078)
Disclosure Date: 12/20/2002

Viol. Classification: Moderate YES

Citation: 40 CFR Chapter 61, SubChapter C, PT 61,
SubPT A 61.01(a)

Description: Failure to identify liquid hydrocarbons containing benzene that were routed to blowdown stacks in the Total Annual Benzene (TAB) report

Viol. Classification: Moderate YES

Citation: 40 CFR Chapter 61, SubChapter C, PT 61,
SubPT A 61.01(a)

Description: Failure to manage waste streams containing greater than 2 Megagrams per year ("2Mg/yr") of benzene in controlled waste management units

Viol. Classification: Moderate YES

Citation: 30 TAC Chapter 115, SubChapter B 115.143(b)
(2)

Description: Failure to include emissions from blowdown stacks in the calculation of the percent reduction from the 1990 baseline for volatile organic compound ("VOC") emissions from wastewater sources

Viol. Classification: Moderate YES

Citation: 40 CFR Chapter 63, SubChapter C, PT 63,
SubPT A 63.1(a)

Description: Failure to control a gaseous stream venting from valve PV-3407 at the Ultraformer No. 3 blowdown stack, which renders the blowdown stack a Group 1 Miscellaneous Process Vent ("MPV")

Viol. Classification: Moderate YES

Citation: 30 TAC Chapter 115, SubChapter B 115.127(a)
[G]

30 TAC Chapter 115, SubChapter B 115.142[G]

Description: VOCs in the gaseous stream referred to in Violation No. 4 exceed exemption criteria for control requirements

Viol. Classification: Moderate YES

Citation: 30 TAC Chapter 112, SubChapter B 112.31

30 TAC Chapter 112, SubChapter B 112.33[G]

Description: Failure to comply with hydrogen sulfide emission requirements for the Ultracracker and Utraformer No. 3 Units

Viol. Classification: Major YES

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
[G]

Description: Failure to obtain authorization for routine emissions from wastewater streams routed to the Coker Unit blowdown stack listed as emission point number ("EPN") 73 in Air Permit No. 2315

Viol. Classification: Major YES

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
[G]

Description: Failure to authorize blowdown stack routine operational emissions not otherwise grandfathered under new source review ("NSR") regulations

Viol. Classification: Minor YES

Citation: 30 TAC Chapter 106, SubChapter K 106.263

30 TAC Chapter 106, SubChapter A 106.8[G]

Description: Failure to maintain records of maintenance emissions from blowdown stacks
Viol. Classification: Minor YES

Citation: 30 TAC Chapter 101, SubChapter F 101.211[G]

Description: Failure to report emissions from blowdown stacks which exceeded reportable quantities for hydrogen sulfide and benzene
Viol. Classification: Minor YES

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)
[G]

Description: Failure to report emissions from the blowdown stacks in the annual emission inventory report

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
BP PRODUCTS NORTH AMERICA	§	**TEXAS COMMISSION ON**
INC.	§	
RN102535077	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-1839-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 BP Products North America Inc. ("BP Products") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and BP Products North America Inc., presented this agreement to the Commission.

BP Products understands that they have 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, BP Products 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 will be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon BP Products.

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

I. FINDINGS OF FACT

1. BP Products owns and operates a refinery located at 2401 5th Avenue South, Texas City, Galveston County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During inspections conducted on August 4, 2004, April 5, and June 1, 2005, and record reviews conducted on July 12, 2004, August 4, and 11, 2005, it was documented that BP Products failed to prevent the unauthorized release of air contaminants into the atmosphere, and failed to maintain opacity at 30% averaged during a six-minute period. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions. (See table below)

Incident No.	Date/ Permit No./ Cause	Unauthorized Emissions	Incident No.	Date/Permit No./Cause	Unauthorized Emissions
17651	3/18 - 3/19/03 - New Source Review ("NSR") Permit No. 18707: BP failed to prevent the over pressure of Tank Nos. 159 and 161 at the fluid catalytic cracking unit 3 ("FCCU3"), and it began venting to the atmosphere. (19 hrs.)	3,989 lbs. of Volatile Organic Compounds ("VOCs")	55147	2/25/05 - NSR Permit No. 19599 and PSD-TX-023: The light feed to the Pipestill 3A unit resulted in a pressure surge which caused a release from relief valve no. 189 to the atmosphere. (22 min.)	45 lbs. of butane, 2,512 lbs. of hexane, 9 lbs. of isobutane, 1,710 lbs. of isopentane, 1,238 lbs. of pentane, 81 lbs. of benzene, and 20 lbs. of H_2S
25606	8/8 - 8/18/03 - NSR Permit C-18706: BP failed to prevent a heat exchanger leak which occurred at the fluid catalytic cracking unit 2 ("FCCU2") cooling tower. (247 hrs.)	14,260 lbs. of VOCs	54786	3/3/05 - NSR Permit No. 8810 and PSD-TX-402M2: BP failed to prevent an increase in system pressure at the RHU, which caused a pressure controller to relieve to the CRPII Flare (EPN No. 501). (5 hrs., 50 min.)	2,368 lbs. of SO_2, and 215 lbs. of CO
49566	11/17/04 - NSR Permit No. 8810 and PSD-TX-402M2: The electrical relay failed on the switchgear cubicle to the 557J light hydrocarbon compressor, causing the 557J compressor to trip and flare at the CRPII Flare [Emission Point No. ("EPN") No. 501] at the Resid Hydrotreating Unit ("RHU"). (40 min.)	1,765 lbs. of sulfur dioxide ("SO_2"), 0.39 lbs. of nitrogen dioxide ("NO_2"), 3 lbs. of nitrogen oxide ("NOx"), and 37 lbs. of carbon monoxide ("CO")	55442 & 55443	3/17/05 - NSR Permit No. 18707 - BP failed to prevent a malfunction of a north upper slide valve which caused high differential pressure between a regenerator and a reactor at the FCCU3, and also caused an unplanned shutdown of the electrostatic precipitator ("ESP'). This resulted in an 87% opacity for 6 min.	18 lbs. of alumina silica catalyst fines, and a 87% opacity for 6 minutes
49944	11/24/04 - NSR Permit No. 8810 and PSD-TX-402M2: The L2467 A & B level transmitters at the RHU failed and caused the 201-E High Pressure Amine Absorber oil side to become full of liquid. This caused increased pressure to the system, and the 207-F flash drum pressure controller opened to the CP II flare (EPN No. 501). (9 hrs., 24 min.)	7,696 lbs. of SO_2, 59 lbs. of NOx, 7 lbs. of NO_2 and 711 lbs. of CO	55487 & 56049	3/18/05 - NSR Permit No. 18707: BP failed to prevent a slide valve failure at the FCCU3 which caused a decrease in reactor pressure and inlet temperature. The decrease in pressure and temperature caused a low plug valve malfunction which shutdown the unit and resulted in emissions from Flare No. 5 to the atmosphere. (2 hrs., 55 min.)	2,211 lbs. Of VOCs
51878 & 51879	1/4/05 - NSR Permit No. 18707: BP failed to prevent the malfunction of a liquid level controller (L4834) on the 506-E depropanizer tower, which resulted in emissions from Flares No. 3 and 5 to the atmosphere. (13 hrs. 36 min.)	2100 lbs. of VOCs, and 27 lbs. hydrogen sulfide ("H_2S")	58226, 58227, & 58231	5/12/05 - NSR Permit No. 18707: BP failed to properly direct the flow of Light Cat Cycle Oil ("LCCO") from a loading dock during an oil movements line-up procedure. The LCCO was inadvertently routed to FCCU3, which resulted in an increase in reactor pressure and the shutdown of the unit. The shutdown of the unit resulted in the release of unauthorized emissions from the ESP stack to the atmosphere. This also resulted in an 89% opacity for 6 minutes. (14 hrs., 16 min.)	4,028 lbs. of VOCs, 13.44 lbs. of H_2S, 15.42 lbs. of alumina silica catalyst fines, and an 89% opacity for 6 minutes.
54083 & 54088	2/16/05 - NSR Permit No. 18707 - BP failed to prevent excessive water from collecting in an instrument air header which caused an increase in reactor pressure that resulted in venting to Flare No. 3 at the FCCU3, and also caused an unplanned shutdown of the ESP. This resulted in a 59% opacity for 6 minutes. (6 min.)	62 lbs. of alumina silica catalyst fines, and a 59% opacity for 6 minutes			

4. During an investigation conducted on June 1, 2005, it was documented that BP Products failed to equip an open-ended line (tag no. 16333) in the fluid catalytic cracking unit 3 ("FCCU3") with a cap, blind flange, plug, or a second valve. The estimated amount of fugitive volatile organic compound emissions ("VOCs") from this open ended line is 0.12 lbs.

5. During a record review conducted on August 4, 2005, it was documented that BP Products failed to prevent the unauthorized release of air contaminants into the atmosphere from the UU3. Specifically, an operator failed to close a valve to the blowdown system in the UU3 (Incident No. 49293). The drum was full, and as a result, it overflowed to the blowdown stack which then released liquid. The spilled liquid vaporized, and released seven pounds of benzene, 28 lbs. of toluene, and 904 lbs. of unauthorized VOCs to the atmosphere.

6. BP Products received notices of the violations on September 4, 6, 20, and 21, 2005.

7. The Executive Director recognizes that BP Products has implemented the following corrective measures at the Plant:

   a. On August 18, 2003, concerning Incident No. 25606 which occurred on August 8, 2003, BP Products installed new heat exchanger bundles in the fluid catalytic cracking unit 2 ("FCCU2"), and unit technicians replaced faulty wiring on November 30, 2004;

   b. On November 30, 2003, concerning Incident No. 17651 which occurred on March 18, 2003, BP Products re-routed the sour water tank vent at the FCCU3 to the low-pressure refinery fuel gas system. The gas is now recovered, scrubbed to remove hydrogen sulfide, and used in various combustion sources at the refinery;

   c. On November 11, 2004, concerning Incident No. 49293 which occurred on November 10, 2004, BP Products repaired the faulty level alarm on the vessel that overflowed on the UU3;

   d. On November 30, 2004, concerning Incident No. 49566 which occurred on November 17, 2004, BP Products replaced the faulty wiring in the Resid Hydrotreater Unit ("RHU");

   e. On January 4, 2005, concerning Incident Nos. 51878 and 51879 which occurred on January 4, 2005, BP Products replaced the float in the liquid level controller on the 506-E depropanizer tower;

   f. On March 31, 2005, concerning Incident No. 49944 which occurred on November 24, 2004, BP Products replaced the level transmitter in the RHU during unit turnaround;

   g. On May 4, 2005, concerning Incident Nos. 54083 and 54088 which occurred on February 16, 2005, plant shift personnel responsible for proper functioning of plant equipment were instructed to check every shift for water in the instrument header at the FCCU3;

h. On June 1, 2005, BP Products placed a plug on the open-ended line (tag no. 16333) at the FCCU3;

i. On June 22, 2005, concerning Incident No. 55147 which occurred on February 25, 2005, BP re-trained all plant shift personnel responsible for proper functioning of the levels of the Pipestill 3A;

j. On August 12, 2005, concerning Incident Nos. 58226, 58227 and 58231 which occurred on May 12, 2005, shift personnel responsible for proper flow and functioning of the light cat cycle oil ("LCCO") were re-trained, and the valve on the FCCU3 was closed and locked;

k. On September 15, 2005, concerning Incident No. 54786 which occurred on March 3, 2005, BP Products implemented computer controller changes, and changes to startup procedures at the RHU;

l. On September 28, 2005, concerning Incident Nos. 55442 and 55443 which occurred on March 17, 2005, the valve was repaired at the electrostatic precipitator;

m. On September 28, 2005, concerning Incident Nos. 55487 and 56049 which occurred on March 18, 2005, the valve was repaired at the FCCU3; and

n. On November 18, 2005, BP Product's notarized certification of compliance was received at the TCEQ.

II. CONCLUSIONS OF LAW

1. BP Products 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, BP Products failed to prevent the unauthorized release of air contaminants into the atmosphere, and failed to maintain opacity at 30% averaged over a six-minute period, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A), 116.115(c), Air Permit Nos. 8810 and PSD-TX-402M2, C-18706, 18707, 19599 and PSD-TX-023, Special Condition No.1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 4, BP Products failed to equip an open-ended line with a cap, blind flange, plug, or a second valve, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.352(4), and 40 CODE OF FEDERAL REGULATIONS § 63.167(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Finding of Fact No. 5, BP Products failed to prevent the unauthorized release of air contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.116(a), and TEX. HEALTH AND SAFETY CODE § 382.085(b).

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against BP Products for violations of the Texas Water Code and the Texas Health and 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.

6. An administrative penalty in the amount of One Hundred Thirty Thousand Six Hundred Twenty-Five Dollars ($130,625) 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. BP Products has paid the One Hundred Thirty Thousand Six Hundred Twenty-Five Dollar ($130,625) administrative penalty.

III. ORDERING PROVISIONS

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

1. BP Products is assessed an administrative penalty in the amount of One Hundred Thirty Thousand Six Hundred Twenty-Five Dollars ($130,625), as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and BP Products'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. However, the Commission 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: BP Products North America Inc., Docket No. 2005-1839-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. The provisions of this Agreed Order shall apply to and be binding upon BP Products. BP Products 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.

3. 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 BP Products if the Executive Director determines that BP Products has not complied with one or more of the terms or conditions in this Agreed Order.

4. 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.

5. This Agreed Order, issued by the Commission, shall not be admissible against BP Products 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.

6. 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.

7. 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

6/5/06
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of BP Products North America Inc.. I am authorized to agree to the attached Agreed Order on behalf of BP Products North America Inc., 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, BP Products North America Inc. 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

5/22/06
Date

COLIN H. J. MACLEAN
Name (printed or typed)
Authorized Representative
BP Products North America Inc

BUSINESS UNIT LEADER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Ordering Provision 1 of this Agreed Order.