

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1919-IHW-E **TCEQ ID:** RN102535077 and RN104085691 **CASE NO.:** 35015
RESPONDENT NAME: BP Products North America Inc.

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 type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" 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: BP Products North America Texas City, 2401 5th Avenue South and BP Products North America Landfarms 1 and 2, located at Loop 197 South, between Highway 6 and Highway 519, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Petroleum refinery and landfarm</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 location.</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 October 6, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Treena Piznar, Team Leader-Water & Waste, BP Products North America Inc., P.O. Box 401, Texas City, Texas 77592 Mr. Keith Casey, Business Unit Leader, Texas City Refinery, BP Products North America Inc., P.O. Box 401, Texas City, Texas 77592 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 25 to September 21, 2007, June 20, 2007, and December 11, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 22 and October 4, 2007 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>WASTE</p> <p>FACILITY 1</p> <p>1) Failure to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards [30 TEX. ADMIN. CODE §§ 335.2(b) and 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS §§ 268.9(c) and 268.40(e), and Permit No. HW-50255, Sec. II.A.7.].</p> <p>2) Failure to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards [30 TEX. ADMIN. CODE §§ 335.2(b) and 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS §§ 268.9(c) and 268.40(e), and Permit No. HW-50255, Sec. II.A.7.].</p> <p>3) Failure to provide land disposal restriction notices to the land treatment facility and landfill along with the initial shipments of hazardous amine reclaimer bottoms to those facilities [30 TEX. ADMIN. CODE § 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS § 268.7(a)(2), and Permit No. HW-50255, Sec. II.A.7.].</p> <p>4) Failure to maintain an up-to-date Notice of Registration ("NOR") for Facility 1 [30 TEX. ADMIN. CODE § 335.6(c) and Permit No. HW-50255, Sec. II.C.1.h.].</p>	<p>Total Assessed: \$650,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$325,000</p> <p>Total Paid to General Revenue: \$325,000</p> <p>Facility 1 (RN102535077): 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>Facility 2 (RN104085691): Site Compliance History Classification <input checked="" type="checkbox"/> High <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:</p> <p>a. Notified the TCEQ by letter on March 12, 2007, of the land disposal of hazardous waste (amine reclaimer bottoms) at Facility 2, which was characteristically hazardous for chromium and/or selenium; and</p> <p>b. Notified the TCEQ by letter on March 12, 2007, that a hazardous waste determination had been made for the amine reclaimer bottoms at Facility 1. The information indicated that the waste had been determined to be hazardous per an analytical report dated October 5, 2006 for a sample collected on September 23, 2006.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Cease the receipt, processing, and/or disposal of waste not authorized by Permit No. HW-50183;</p> <p>ii. Ensure that land disposal restriction notices are provided to treatment or storage facilities along with the initial shipments of waste that meet the requirements in 40 CODE OF FEDERAL REGULATIONS § 268.7(a)(2);</p> <p>iii. Ensure that the unauthorized land disposal of characteristically hazardous waste is prevented; and</p> <p>iv. Ensure that uniform hazardous waste manifests are correctly completed.</p>

<p>5) Failure to submit a complete and correct Annual Waste Summary ("AWS") for Facility 1 [30 TEX. ADMIN. CODE § 335.9(a)(2) and Permit No. HW-50255, Sec. II.C.1.h.].</p> <p>6) Failure to correctly complete uniform hazardous waste manifests [30 TEX. ADMIN. CODE § 335.10(c), 40 CODE OF FEDERAL REGULATIONS § 262.20(a)(1), and Permit No. HW-50255, Sec. II.C.1.h.].</p> <p>7) Failure to make a complete and correct hazardous waste determination [30 TEX. ADMIN. CODE §§ 335.62 and 335.504 and 40 CODE OF FEDERAL REGULATIONS § 262.11].</p> <p>8) Failure to pay Consolidated Water Quality fees for Fiscal Year 2008 and associated late fees [30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702].</p> <p>FACILITY 2</p> <p>1) Failure to prevent the land disposal of characteristically hazardous waste not meeting applicable treatment standards and failure to comply with permit conditions [30 TEX. ADMIN. CODE §§ 305.125(1), 335.2(a), and 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS §§ 268.9(c) and 268.40(e), and Permit No. HW-50183, Secs. II.A.2. and IV.B.1.].</p> <p>2) Failure to report to the TCEQ in a timely manner the land disposal of hazardous waste [30 TEX. ADMIN. CODE § 305.125(1) and (9) and Permit No. HW-50183, Secs. II.A.2. and II.B.4.].</p>		<p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Ensure that the NOR for Facility 1 is updated with waste information regarding hazardous amine reclaimer bottoms and all Waste Management Units that manage the hazardous waste reclaimer bottoms generated in 2004 and 2006 are added to the NOR;</p> <p>ii. Submit payment for outstanding fees, including any associated penalties and interest; and</p> <p>iii. Submit corrections for 2004 and 2006 AWSs for Facility 1, to include the amount of hazardous amine reclaimer bottoms generated for each year.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.b.iii.</p>
---	--	---

Additional ID No(s): IHW Permit # 50255, SWR 30139, WQ0000443000, TPDES0003522, Air GB0004L

Attachment A
Docket Number: 2007-1919-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: BP Products North America Inc.

Penalty Amount: Six Hundred Fifty Thousand Dollars (\$650,000)

SEP Offset Amount: Three Hundred Twenty-Five Thousand Dollars (\$325,000)

Type of SEP:

1. Custom (land remediation and conservation)
2. Pre-approved (as a secondary option)

Location of SEP: Galveston County

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

1. Project Description

The Respondent certifies that there is no prior commitment to do the projects described below and that performance of the projects will be solely in an effort to settle this enforcement action.

A. Project 1

The Respondent shall: 1) cause to be purchased a minimum of 50 acres of contiguous property in and around Texas City; 2) address any contamination on the property to levels acceptable for park land; and 3) preserve the entire property in perpetuity as a park and nature preserve through the use of a conservation easement. The Respondent certifies that it currently has no legal responsibility for any contamination on the properties and agrees that it will not use these SEP monies to address any contamination for which it has a legal responsibility.

Within 60 days after the effective date of this Agreed Order, Respondent shall submit a Scope of Work to the SEP Coordinator for approval that details the following:

- description of purchased property, including acreage and a map depicting the specific location/boundaries;
- plan for any investigation and remediation of the properties or reasons (with objective backup information) why such investigation and remediation is unnecessary;
- plan for other work to be conducted on properties, such as removal of invasive species; and
- schedule for all phases of the project, including the filing of a conservation easement.

Prior to submittal of the Scope of Work, the Respondent shall have finalized property purchases and conducted an environmental assessment of the properties to determine if any remediation is necessary. All work on the project, including filing of the conservation easement, must be completed within 180 days after receiving the SEP Coordinator's approval of the Scope of Work. Upon request from the Respondent with appropriate justification, the SEP Coordinator may grant an extension to any timeframes in this Attachment A. The

Respondent shall ensure that the conservation easement is completed and filed in accordance with Chapter 183, Subchapter A, of the Natural Resources Code. The holder of the easement must meet the definition of "holder" under that subchapter and must be a different entity than the owner of the property.

The Respondent shall perform this project in accordance with all federal, state, and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. Additionally, the Respondent shall spend at least the SEP Offset Amount to complete the project.

(1) Environmental Benefit

This SEP will provide a discernible environmental benefit by acquiring, addressing any contamination on, and preserving property in perpetuity as a park and nature preserve. This will provide additional open space and wildlife habitat in the vicinity of Texas City.

(2) Reporting

(a) Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date. The Respondent shall provide 60-day progress reports thereafter.

(b) Final Report

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

- An itemized list of expenditures and total of costs incurred with receipts, copies of checks, or other verifying documentation attached;
- If contamination is discovered, laboratory reports from a certified laboratory showing the extent of contamination found in the soil and groundwater at each of the properties as well as manifests showing proper transport and disposal of any contaminated soils from the properties;
- The quantity of any materials removed and disposed;
- Photographs of the project;
- Evidence of other work completed at the properties, such as removal of invasive species;
- File-stamped copy of the conservation easement(s) protecting the property;
- A statement of quantifiable environmental benefits; and
- Any additional information Respondent believes will demonstrate compliance with this Attachment A.

(3) Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

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

B. Project 2 (as secondary option)

In the event that: 1) Respondent does not submit the Scope of Work for Project 1 within the required time period; 2) the property purchases and the environmental assessment are not completed within the required time period; 3) the Scope of Work is not acceptable to the SEP Coordinator (in the sole discretion of the SEP Coordinator); or 4) the project is not completed by the Respondent within the required time period, then Respondent shall contribute the SEP Offset Amount to the *Trust for Public Land (TPL)* for the *Galveston Bay Natural Area Acquisition and Conservation Program*.

The money will be used in accordance with an agreement between the TPL and the TCEQ. Specifically, SEP funds will pay for the costs of acquiring land for conservation purposes. The land will be transferred to a public entity or nonprofit organization. TPL will ensure that each property is encumbered with a conservation easement which will preserve the property in perpetuity.

(1) Environmental Benefit

This SEP will provide a discernible environmental benefit by acquisition and preservation of land in Galveston Bay. The project will improve water quality, conserve existing wetlands and other special habitats, and increase public access to the Bay. The acquisitions along Galveston Bay system waterways will maintain/restore stream buffers that help filter contaminants before they reach the water while also providing wildlife habitat. Additionally, the acquisitions will also provide a buffer for coastal wetlands, preventing their further degradation, and ensuring greater protection of uplands from storm surge and other erosional forces.

(2) Performance Schedule

Within 30 days after notice from the SEP Coordinator, the Respondent must contribute the SEP Offset Amount to TPL. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Program Director
The Trust for Public Land
Houston-Galveston Office
1113 Vine Street, Suite 117
Houston, TX 77002

(3) **Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to TPL. The 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

2. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

3. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

4. Publicity

Any public statements concerning this SEP made by or on behalf of the 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.

5. Clean Texas Program

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

6. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government. However, this language is not meant to prohibit the Respondent from including properties contiguous to or in the vicinity of the properties involved in this SEP as part of a SEP under other orders negotiated with the TCEQ or any other agency of the state or federal government.





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	8-Oct-2007	Screening	15-Nov-2007	EPA Due	15-Feb-2008
	PCW	3-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	BP Products North America Inc. (Facility 2)
Reg. Ent. Ref. No.	RN104085691
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35015	No. of Violations	2
Docket No.	2007-1919-IHW-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Dana Shuler
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$71,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	0% Enhancement	Subtotals 2, 3, & 7
		\$0

Notes: No previous NOV's at this site in the past five years.

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 x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$272	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$1,100	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$71,000
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	-50%	Adjustment	-\$35,500
---	------	-------------------	-----------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended adjustment due to self-reported violations.

Final Penalty Amount	\$35,500
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,500
-----------------------------------	-------------------------------	----------

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 is recommended for Findings Orders.

PAYABLE PENALTY	\$35,500
------------------------	----------

Screening Date 15-Nov-2007

Docket No. 2007-1919-IHW-E

PCW

Respondent BP Products North America Inc. (Facility 2)

Policy Revision 2 (September 2002)

Case ID No. 35015

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN104085691

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

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)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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 submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 0%

>> **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

No previous NOVs at this site in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 15-Nov-2007 **Docket No.** 2007-1919-IHW-E **PCW**

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

Case ID No. 35015 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN104085691

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 335.2(a), and 335.431(c)(1), 40 Code of Federal Regulations §§ 268.9(c) and 268.40(e), and Permit No. HW-50183, Secs. II.A.2. and IV.B.1.

Violation Description
 Failed to prevent the land disposal of characteristically hazardous waste not meeting applicable treatment standards and failed to comply with permit conditions, as documented during an investigation conducted on June 20, 2007. Specifically, 14 shipments of amine reclaimer bottoms from the BP Products North America Texas City Refinery were land applied at the Facility on the following dates: June 27, 2003, March 23, 2004, April 16, 21, and 28, 2004, July 12, 22 (two shipments), and 23, 2004, September 9, 23, 28, and 29, 2004, and September 27, 2006. It was documented that sample analytical data indicated that this waste was characteristically hazardous for chromium and/or selenium. The Facility is not authorized by their permit to receive, process, and/or dispose of this waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective to human health and environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$70,000

Fourteen single events are recommended (one event per shipment).

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 Products North America Inc. (Facility 2)

Case ID No.: 35015

Reg. Ent. Reference No.: RN104085691

Media: Industrial and Hazardous Waste

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	\$1,000	27-Jun-2003	20-Jul-2008	5.1	\$253	n/a	\$253
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that unauthorized waste is not received at the Facility. Required Date is the date of the first shipment and Final Date is the expected date of compliance.

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

\$1,000

TOTAL

\$253

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 2)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35015	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN104085691		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Dana Shuler		
Violation Number <input type="text" value="2"/>		
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9) and Permit No. HW-50183, Secs. II.A.2. and II.B.4.		
Violation Description	Failed to report to the TCEQ in a timely manner the land disposal of hazardous waste, as documented during an investigation conducted on June 20, 2007. Specifically, a July 11, 2003 analytical report showed the waste as being characteristically hazardous for selenium, and contained chromium. The Respondent notified the TCEQ of this issue on March 12, 2007.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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.

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 Products North America Inc. (Facility 2)

Case ID No. 35015

Reg. Ent. Reference No. RN104085691

Media Industrial and Hazardous Waste

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
<small>No commas or \$</small>							

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	12-Jul-2003	12-Mar-2007	3.7	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to report noncompliance. Date Required is 24 hours after knowledge of noncompliance occurred and Final Date is the date of compliance.

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:

\$18



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	8-Oct-2007	Screening	15-Nov-2007	EPA Due	21-Mar-2008
	PCW	3-Apr-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	BP Products North America Inc. (Facility 1)		
Reg. Ent. Ref. No.	RN102535077		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35015	No. of Violations	8
Docket No.	2007-1919-IHW-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$217,800
---	-------------------	------------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	442% Enhancement	Subtotals 2, 3, & 7
		\$962,676

Notes: The Respondent received two 1660 Orders, 13 Findings Orders, 60 NOV's for dissimilar violations, 31 notice of intent for audit letters, and six disclosures of violations for audits.

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 x)

Notes: The Respondent does not meet the good faith criteria.

	50% Enhancement*	Subtotal 6	\$70,189
Total EB Amounts	\$70,189	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$64,150		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,250,665
-----------------------------	-----------------------	--------------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	-51%	Adjustment	-\$636,165
---	------	-------------------	-------------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended adjustment due to self-reported violations.

Final Penalty Amount	\$614,500
-----------------------------	------------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$614,500
-----------------------------------	-------------------------------	------------------

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 for Findings Orders.

PAYABLE PENALTY	\$614,500
------------------------	------------------

Screening Date 15-Nov-2007

Docket No. 2007-1919-IHW-E

PCW

Respondent BP Products North America Inc. (Facility 1)

Policy Revision 2 (September 2002)

Case ID No. 35015

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102535077

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

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)	0	0%
	Other written NOVs	60	120%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	13	325%
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 submitted)	31	-31%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	6	-12%

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) 442%

>> **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 received two 1660 Orders, 13 Findings Orders, 60 NOVs for dissimilar violations, 31 notice of intent for audit letters, and six disclosures of violations for audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 442%

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW																				
Respondent BP Products North America Inc. (Facility 1)		<small>Policy Revision 2 (September 2002)</small>																				
Case ID No. 35015		<small>PCW Revision November 6, 2007</small>																				
Reg. Ent. Reference No. RN102535077																						
Media [Statute] Industrial and Hazardous Waste																						
Enf. Coordinator Michael Meyer																						
Violation Number	1																					
Rule Cite(s)	30 Tex. Admin. Code §§ 335.2(b) and 335.431(c)(1), 40 Code of Federal Regulations §§ 268.9(c) and 268.40(e), and Permit No. HW-50255, Sec. II.A.7.																					
Violation Description	Failed to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards, as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, the Respondent sent 14 shipments of hazardous amine reclaimers bottoms designated as nonhazardous Waste Stream 10376021 to an unauthorized facility, BP Products North America land treatment facility, on the following dates: June 27, 2003, March 23, 2004, April 16, 21, and 28, 2004, July 12, 22 (two shipments), and 23, 2004, September 9, 23, 28, and 29, 2004, and September 27, 2006. It was documented that sample analytical data indicated that this waste was characteristically hazardous for chromium and/or selenium.																					
	Base Penalty	\$10,000																				
>> Environmental, Property and Human Health Matrix																						
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	x				Potential					Percent 100%
	Harm																					
Release	Major	Moderate	Minor																			
Actual	x																					
Potential																						
>> Programmatic Matrix																						
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		Falsification					Percent 0%										
	Major	Moderate	Minor																			
Falsification																						
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective to human health and environmental receptors as a result of this violation.																					
	Adjustment	\$0																				
		\$10,000																				
Violation Events																						
	Number of Violation Events	14																				
	Number of violation days	113																				
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$140,000								
daily																						
monthly																						
quarterly																						
semiannual																						
annual																						
single event	x																					
	Fourteen single events are recommended (one event per shipment).																					
Economic Benefit (EB) for this violation																						
	Estimated EB Amount	\$45,602																				
Statutory Limit Test																						
	Violation Final Penalty Total	\$394,995																				
	This violation Final Assessed Penalty (adjusted for limits) \$394,995																					

Economic Benefit Worksheet

Respondent BP Products North America Inc. (Facility 1)

Case ID No. 35015

Reg. Ent. Reference No. RN102535077

Media Industrial and Hazardous Waste

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)				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]	\$37,730	27-Jun-2003	27-Sep-2006	4.2	\$7,872	\$37,730	\$45,602
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to ship hazardous amine reclaimer bottoms waste to an authorized facility (Fourteen, 7-ton shipments; \$385 per ton to dispose). Required Date is the date of the first shipment and Final Date is the date of the last shipment.

Approx. Cost of Compliance

\$37,730

TOTAL

\$45,602

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 1)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35015	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN102535077		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code §§ 335.2(b) and 335.431(c)(1), 40 Code of Federal Regulations §§ 268.9(c) and 268.40(e), and Permit No. HW-50255, Sec. II.A.7.	
Violation Description	Failed to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards, as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, the Respondent sent 9 shipments of hazardous amine reclaimer bottoms designated as nonhazardous Waste Stream 10376021 to an unauthorized facility, Gulf West Landfill Texas, on the following dates: December 8 (four shipments), December 9 (two shipments), December 10 (two shipments), and December 13, 2004. It was documented that sample analytical data indicated that this waste was characteristically hazardous for chromium and/or selenium.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective to human health and environmental receptors as a result of this violation.

Adjustment

Violation Events

	<input type="text" value="9"/>	<input type="text" value="113"/>	Number of violation days
--	--------------------------------	----------------------------------	--------------------------

<i>mark only one with an x</i>	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

Nine single events are recommended (one event per shipment).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$24,255"/>	Violation Final Penalty Total <input type="text" value="\$126,963"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$126,963"/>	

Economic Benefit Worksheet

Respondent: BP Products North America Inc. (Facility 1)
Case ID No.: 35015
Reg. Ent. Reference No.: RN102535077
Media: Industrial and Hazardous Waste
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)				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]	\$24,255	8-Dec-2004	13-Dec-2004	0.0	\$0	\$24,255	\$24,255
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to ship hazardous amine reclaimer bottoms waste to an authorized facility (Nine, 7-ton shipments; \$385 per ton to dispose). Required Date is the date of the first shipment and Final Date is the date of the last shipment.

Approx. Cost of Compliance

\$24,255

TOTAL

\$24,255

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 1)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35015	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN102535077		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 335.431(c)(1), 40 Code of Federal Regulations § 268.7(a)(2), and Permit No. HW-50255, Sec. II.A.7.	
Violation Description	Failed to provide land disposal restriction notices to the land treatment facility and landfill along with the initial shipments of hazardous amine reclaimer bottoms to those facilities, as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, the Respondent did not provide restriction notices with the initial shipments to the BP Products North America land treatment facility (June 27, 2003) or Gulf West Landfill Texas (December 8, 2004).	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
		Major	Moderate	Minor		
	Actual	Potential	Actual	Potential		
	Actual	Potential	Actual	Potential	Percent	0%

>> Programmatic Matrix

	Falsification					
		Major	Moderate	Minor		
	Actual	Potential	Actual	Potential		
	Actual	Potential	Actual	Potential	Percent	25%
Matrix Notes	100% of the rule requirement was not met.					
Adjustment					\$7,500	

\$2,500

Violation Events

Number of Violation Events	2		2	Number of violation days	
<i>mark only one with an x</i>	daily		monthly	Violation Base Penalty	
	quarterly		semiannual		
	annual		single event		
	single event	x			\$5,000
	Two single events are recommended (one per shipment).				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$112	\$14,107
This violation Final Assessed Penalty (adjusted for limits)	
\$14,107	

Economic Benefit Worksheet

Respondent BP Products North America Inc. (Facility 1)
Case ID No. 35015
Reg. Ent. Reference No. RN102535077
Media Industrial and Hazardous Waste
Violation No. 3

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)				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]	\$100	27-Jun-2003	8-Dec-2004	2.4	\$12	\$100	\$112
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide land disposal restriction notices to disposal facilities along with initial shipments. Date Required is the initial shipment date to BP Products North America land treatment facility and Final Date is the initial shipment date to Gulf West Landfill Texas.

Approx. Cost of Compliance

\$100

TOTAL

\$112

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 1)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35015	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN102535077		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	30 Tex. Admin. Code § 335.6(c) and Permit No. HW-50255, Sec. II.C.1.h.	
Violation Description	Failed to maintain an up-to-date Notice of Registration (NOR), as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, waste information regarding hazardous amine reclaimer bottoms (the material generated in 2004 and 2006 disposed of as Class 1 waste) was missing from the NOR. Also, this waste should be added to all Waste Management Units that manage the waste generated in 2004 and 2006.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

mark only one with an 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 Products North America Inc. (Facility 1)
Case ID No. 35015
Reg. Ent. Reference No. RN102535077
Media Industrial and Hazardous Waste
Violation No. 4

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	25-Jul-2007	20-Jul-2008	1.0	\$5	n/a	\$5

Notes for DELAYED costs Estimated cost to update NOR. Date Required is the investigation date and Final Date is the expected date of compliance.

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	\$5
-----------------------------------	-------	--------------	-----

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 1)	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35015	<small>PCW Revision November 6, 2007</small>	
Reg. Ent. Reference No. RN102535077		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number	5	
Rule Cite(s)	30 Tex. Admin. Code § 335.9(a)(2) and Permit No. HW-50255, Sec. II.C.1.h.	
Violation Description	Failed to submit a complete and correct Annual Waste Summary (AWS), as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, the AWS for 2004 and 2006 did not include the amount of hazardous amine reclaimer bottoms generated for each year.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent <input style="width:50px;" type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent <input style="width:50px;" type="text" value="1%"/>	
Matrix Notes	Less than 30% of the rule requirement was not met.				
				Adjustment <input style="width:50px;" type="text" value="\$9,900"/>	

Violation Events

Number of Violation Events <input style="width:50px;" type="text" value="2"/>	<input style="width:50px;" type="text" value="113"/>	Number of violation days												
mark only one with an x <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input checked="" type="checkbox"/></td></tr> </table>	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 style="width:50px;" type="text" value="\$200"/>
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"/>													
Two single events are recommended (one event per incomplete AWS).														

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width:50px;" type="text" value="\$10"/>	Violation Final Penalty Total <input style="width:50px;" type="text" value="\$564"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width:50px;" type="text" value="\$564"/>	

Economic Benefit Worksheet

Respondent: BP Products North America Inc. (Facility 1)
Case ID No.: 35015
Reg. Ent. Reference No.: RN102535077
Media: Industrial and Hazardous Waste
Violation No.: 5

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)	\$200	25-Jul-2007	20-Jul-2008	1.0	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to submit a complete and correct AWS. Date Required is the investigation date and Final Date is the expected date of compliance.

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

\$200

TOTAL

\$10

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 1)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35015	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN102535077		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 335.10(c), 40 Code of Federal Regulations § 262.20(a)(1), and Permit No. HW-50255, Sec. II.C.1.h.	
Violation Description	Failed to correctly complete uniform hazardous waste manifests, as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, the Respondent incorrectly completed the manifest for nine shipments of hazardous amine reclaimers bottoms, indicating the waste as nonhazardous Class 1 waste, to Gulf West Landfill Texas. The shipments occurred on the following dates: December 8, 2004 (Manifest Nos. WM 006742, WM 006743, WM 006744, and WM 006745), December 9, 2004 (WM 006741 and WM 006750), December 10, 2004 (WM 006747 and WM 006748), and December 13, 2004 (WM 006749).	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent <input style="width:50px;" type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input style="width:50px;" type="text" value="25%"/>
Matrix Notes	100% of the rule requirement not met.			
				Adjustment <input style="width:50px;" type="text" value="\$7,500"/>

Violation Events

Number of Violation Events <input style="width:50px;" type="text" value="9"/>	<input style="width:50px;" type="text" value="113"/>	Number of violation days												
mark only one with an x <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	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 style="width:100px;" type="text" value="\$22,500"/>	
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"/>													
Nine single events are recommended (one per shipment).														

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width:100px;" type="text" value="\$18"/>	Violation Final Penalty Total <input style="width:100px;" type="text" value="\$63,481"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width:100px;" type="text" value="\$63,481"/>	

Economic Benefit Worksheet

Respondent BP Products North America Inc. (Facility 1)

Case ID No. 35015

Reg. Ent. Reference No. RN102535077

Media Industrial and Hazardous Waste

Violation No. 6

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	8-Dec-2004	20-Jun-2008	3.5	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to correctly complete uniform hazardous waste manifests. Date Required is the date of the first shipment and Final Date is the expected date of compliance.

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

\$18

Screening Date 15-Nov-2007 **Docket No.** 2007-1919-IHW-E **PCW**
Respondent BP Products North America Inc. (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 35015 *PCW Revision November 6, 2007*
Reg. Ent. Reference No. RN102535077
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Michael Meyer
Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code §§ 335.62 and 335.504 and 40 Code of Federal Regulations § 262.11
Violation Description Failed to make a complete and correct hazardous waste determination, as documented during an investigation conducted from July 25 to September 21, 2007. Specifically, the Respondent did not make a complete and correct hazardous waste determination for amine reclaimer bottoms. Sample analytical reports showed the waste to be characteristically hazardous for chromium and/or selenium.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective to human health and environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 1369 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

One single event is recommended (one event per waste stream).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$188	Violation Final Penalty Total \$14,107
This violation Final Assessed Penalty (adjusted for limits) \$14,107	

Economic Benefit Worksheet

Respondent BP Products North America Inc. (Facility 1)
Case ID No. 35015
Reg. Ent. Reference No. RN102535077
Media Industrial and Hazardous Waste
Violation No. 7

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)	\$1,665	8-Dec-2004	12-Mar-2007	2.3	\$188	n/a	\$188

Notes for DELAYED costs

Cost to make a complete and correct waste determination. Date Required is the date the waste was shipped to the landfarm and Final Date is the date of compliance.

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

\$1,665

TOTAL

\$188

Screening Date 15-Nov-2007	Docket No. 2007-1919-IHW-E	PCW
Respondent BP Products North America Inc. (Facility 1)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35015	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN102535077		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number <input type="text" value="8"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 21.4 and Tex. Water Code § 5.702"/>	
Violation Description	<input type="text" value="Failed to pay Consolidated Water Quality fee for Fiscal Year 2008 and associated late fee, as documented during a record review investigation conducted on December 11, 2007."/>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes	<input type="text" value="No penalty is calculated for this violation."/>
Adjustment <input type="text" value="\$10,000"/>	

Violation Events

	<input type="text"/>		<input type="text"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	monthly	<input type="text"/>
	quarterly	<input type="text"/>	semiannual	<input type="text"/>
	annual	<input type="text"/>	single event	<input type="text"/>
Violation Base Penalty <input type="text" value="\$0"/>				
<input type="text" value="No penalty is recommended because penalty and interest will be assessed at the next billing cycle."/>				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$0"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$0"/>	

Economic Benefit Worksheet

Respondent BP Products North America Inc. (Facility 1)

Case ID No. 35015

Reg. Ent. Reference No. RN102535077

Media Industrial and Hazardous Waste

Violation No. 8

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

N/A

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600866800 BP Products North America Inc.	Classification: AVERAGE	Rating: 2.18
Regulated Entity:	RN104085691 BP PRODUCTS NORTH AMERICA	Classification: HIGH	Site Rating: 0.00
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD072181381
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	34507
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50183
Location:	Loop 197 South, Landfarms 1 & 2 between Hwy 6 and 519		Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	November 29, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 15, 2002 to November 15, 2007		

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

Name: N/A Phone: (512) 239-2505

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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.)
1 08/22/2007 (564617)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - F. Environmental audits.
N/A
 - 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

Compliance History

Customer/Respondent/Owner-Operator:	CN600866800	BP Products North America Inc.	Classification: AVERAGE	Rating: 2.18
Regulated Entity:	RN102535077	BP PRODUCTS NORTH AMERICA TEXAS CITY	Classification: AVERAGE	Site Rating: 9.65
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		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	GB0004L
AIR NEW SOURCE PERMITS	REGISTRATION	75507
AIR NEW SOURCE PERMITS	PERMIT	56136
AIR NEW SOURCE PERMITS	AFS NUM	4816700001
AIR NEW SOURCE PERMITS	REGISTRATION	56657
AIR NEW SOURCE PERMITS	PERMIT	70427
AIR NEW SOURCE PERMITS	EPA ID	PSDTX649
AIR NEW SOURCE PERMITS	PERMIT	50798
AIR NEW SOURCE PERMITS	REGISTRATION	72163
AIR NEW SOURCE PERMITS	PERMIT	54051
AIR NEW SOURCE PERMITS	PERMIT	52467
AIR NEW SOURCE PERMITS	PERMIT	71839
AIR NEW SOURCE PERMITS	PERMIT	53892
AIR NEW SOURCE PERMITS	PERMIT	54721
AIR NEW SOURCE PERMITS	PERMIT	55478
AIR NEW SOURCE PERMITS	PERMIT	PSDTX402
AIR NEW SOURCE PERMITS	EPA ID	PSDTX402
AIR NEW SOURCE PERMITS	EPA ID	PSDTX981
AIR NEW SOURCE PERMITS	REGISTRATION	76550
AIR NEW SOURCE PERMITS	REGISTRATION	78059
AIR NEW SOURCE PERMITS	REGISTRATION	78060
AIR NEW SOURCE PERMITS	REGISTRATION	78120
AIR NEW SOURCE PERMITS	REGISTRATION	77811
AIR NEW SOURCE PERMITS	REGISTRATION	78051
AIR NEW SOURCE PERMITS	REGISTRATION	79522
AIR NEW SOURCE PERMITS	REGISTRATION	81516
AIR NEW SOURCE PERMITS	REGISTRATION	81966
AIR NEW SOURCE PERMITS	REGISTRATION	81757
AIR NEW SOURCE PERMITS	REGISTRATION	82308
AIR NEW SOURCE PERMITS	REGISTRATION	83422
AIR NEW SOURCE PERMITS	REGISTRATION	83424
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
WASTE WATER GENERAL PERMIT	PERMIT	WQ0000443000
WASTE WATER GENERAL PERMIT	PERMIT	TXG670029
AIR OPERATING PERMITS	PERMIT	2657
AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0004L
AIR OPERATING PERMITS	PERMIT	1541
AIR OPERATING PERMITS	PERMIT	2328
WASTEWATER	PERMIT	WQ0000443000
WASTEWATER	PERMIT	TPDES0003522
WASTEWATER	PERMIT	TX0003522
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50255
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 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 29, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 15, 2002 to November 15, 2007

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

Name: N/A Phone: (512) 239-2505

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: 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: 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)
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.

Effective Date: 11/06/2005 ADMINORDER 2004-2128-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #8810, SC #1 PERMIT
Description: Failed to comply with permitted emissions limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 19599, Special Condition No.1, PERMIT
Description: Allowed unauthorized emissions.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit a proper emission event report for an emission event that occurred from October 29, 2003 to November 14, 2003 in the fugitive components (EPN F-380-SRU-FUG) in the Sulfur Recovery Unit.

Effective Date: 12/30/2005 ADMINORDER 2005-0818-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: #18706, Special Condition No.1 PERMIT
Description: Failed to comply with permitted emissions limits.
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. 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to report an emission event.

Effective Date: 03/06/2006 ADMINORDER 2005-0706-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Allowed unauthorized emissions.

Effective Date: 06/15/2006 ADMINORDER 2005-0224-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #8810, SC1 PERMIT
Description: Failed to comply with permitted emissions limits for Flare 381, SRU Incinerator Stack 384, and Flare 383.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Conditions F and G PERMIT
No.18707, Special Condition #1 PERMIT
Description: Failed to comply with permitted emission limits for the Fluid Catalytic Cracking Unit (EPN 334).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Conditions F and G PERMIT
TCEQ Air Permit No.18707, SC #1 PERMIT
Description: Failed to comply with permitted emission limits for the Fluid Catalytic Cracking Unit (EPN 321).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20982 Special Condition 1 PERMIT
General Condition G PERMIT
Description: Failed to comply with permitted emission limits for the Coker Resid De-Asphalting Unit and Cooling Tower (EPN 412).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Conditions F and G and SC 1 PERMIT
Description: Failed to comply with permitted emission limits for Flare # 3 (EPN F-200) in the Ultracracker Unit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8810 Special Condition 1 PERMIT
General Conditions F and G PERMIT
Description: Failed to comply with permitted emission limits for the SRU (EPN 384).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

Rqmt Prov: 8810 Special Condition 1 PERMIT
General Conditions F and G PERMIT

Description: Failed to comply with permitted emission limits for the SRU (EPN 384).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8810 Special Condition 1 PERMIT
General Conditions F and G PERMIT

Description: Failed to comply with permitted emission limits for the SRU (EPN 384).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8810 Special Condition 1 PERMIT
General Conditions F and G PERMIT

Description: Failed to comply with permitted emission limits for the SRU (EPN 384).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit No. 8810, SC #1, PERMIT
General Conditions F and G PERMIT

Description: Failed to comply with permitted emission limits for the RHU 200 Reactor Train (EPN 501).
Classification: Moderate

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

Rqmt Prov: 2612 Special Condition #1 PERMIT
General Condition F PERMIT

Description: Failed to comply with permitted emission limits for the Aromatics Recovery Unit 2 (EPN 611).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Conditions F and G PERMIT
No. 8810 Special Condition #1, PERMIT

Description: Failed to comply with permitted emission limits for the RHU 200 Reactor Train (EPN 501).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Conditions F and G PERMIT
No. 8810 Special Condition #1, PERMIT

Description: Failed to comply with permitted emission limits for the RHU 200 Reactor Train (EPN 501).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Conditions F and G PERMIT

Description: Failed to comply with permitted emission limits for the 400 Reactor Train (EPN 501).
Classification: Moderate

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

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: BP Products failed to notify the TCEQ within 24 hours of an emissions event.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: General Conditions F and G PERMIT
TCEQ Air Permit No. 8810, SC No. 1 PERMIT
Description: Failed to comply with permitted emission limits for the RHU 300 Reactor Train (EPN 501).
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: General Conditions F and G PERMIT
Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emission limits for the Ultracracker Flare (EPN 351) and the Ultraformer Unit (EPN F-160).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Permit No. 8810, SC #1 PERMIT
Description: Failed to comply with permitted emissions limits for the CFH/RHU Flare.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to timely submit the final notification for a shutdown event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 8810 and PSD-TX-402M2, S.C. No. 1 PERMIT
Description: Failed to comply with permitted emissions limits for the CFH/RHU Flare.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 8810, Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emissions limits for the CPR II Flare.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit a complete emissions event report for an emissions event that occurred on September 25, 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 properly report an emissions event that occurred on February 8, 2003.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 8810, Special Provision No. 1 PERMIT
Description: Failed to comply with permitted emissions limits for the CRP II Flare.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Compliance Plan and Schedule OP
Description: Failed to perform an applicability determination and compliance review.
Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.142(a)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Compliance Plan and Schedule OP
Description: Failure to install monitoring equipment or obtain an alternate means of compliance.
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failed to submit a complete semiannual deviation report.
Effective Date: 07/22/2006 ADMINORDER 2005-1027-AIR-E
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent the emission of unauthorized air contaminants during Incident No. 20972.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 8810, Special Condition No. 1 PERMIT
Description: Failed to maintain emission rates of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) below the Maximum Allowable Emission Rates (MAER; 0.2 pounds per hour (lbs/hr) for SO₂, 0.8 lbs/hr for NO_x) during Incident No. 48135.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to determine if an emissions event was reportable, and failed to submit the initial emissions event report, within 24 hours after discovery (Incident No. 48847).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 8810, Special Condition No. 1 PERMIT
Description: Failed to maintain emission rates of SO₂ below the Maximum Allowable Emission Rates (MAER; 0.2 lbs/hr) during Incident No. 48847.
Effective Date: 08/28/2006 ADMINORDER 2006-0196-AIR-E
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Allowed unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit #47256, SC #1 PA
Special Condition 15 PERMIT
Description: Failed to comply with permitted emissions limits
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit #47256, Special Condition #1 PA
Special Condition 15 PERMIT
Description: Failed to comply with permitted emissions limits.
Effective Date: 09/21/2006 ADMINORDER 2006-0262-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8810 & PSD-TX-402M2, Special Condition 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 19599, Special Condition No. 1 PERMIT
 Description: Failed to comply with permitted emissions representations.
 Effective Date: 09/21/2006 ADMINORDER 2006-0310-AIR-E
 Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: BP Products allowed unauthorized emissions
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Flexible Permit #47256, SC#1 PERMIT
 Description: BP Products failed to comply with permitted emissions limits
 Effective Date: 10/19/2006 ADMINORDER 2006-0400-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: TCEQ Air Permit No. 6488, SC2 PERMIT
 Description: failed to comply with permitted emissions limits. Specifically, the emissions limit for VOCs is 1.5 lbs/hr, and beginning September 8, 2003, the cooling tower (EPN 422) emitted 69,063 pounds of VOCs over a 702 hour period.
 Effective Date: 12/02/2006 ADMINORDER 2006-0099-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 5C THC Chapter 382, SubChapter A 382.0518(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Allowed unauthorized emissions.
 Effective Date: 05/11/2007 ADMINORDER 2005-1839-AIR-E
 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: Spec. Cond No. 1 PERMIT
 Spec. Cond. No. 1 PERMIT
 Description: 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.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to equip an open-ended line with a cap, blind flange, plug, or a second valve.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

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	11/21/2002	(11937)
2	11/25/2002	(156253)
3	12/18/2002	(13671)
4	12/30/2002	(156257)
5	01/22/2003	(156261)
6	02/21/2003	(281259)
7	02/24/2003	(156219)
8	02/26/2003	(14741)
9	03/18/2003	(20996)
10	03/24/2003	(156222)
11	03/28/2003	(28935)
12	03/28/2003	(28949)
13	03/28/2003	(28942)

14	03/28/2003	(28893)
15	03/28/2003	(28927)
16	03/28/2003	(28954)
17	04/13/2003	(31555)
18	04/13/2003	(31558)
19	04/13/2003	(31549)
20	04/21/2003	(156227)
21	05/02/2003	(280657)
22	05/07/2003	(28250)
23	05/11/2003	(28139)
24	05/13/2003	(33667)
25	05/16/2003	(38169)
26	05/16/2003	(38170)
27	05/16/2003	(29638)
28	05/23/2003	(156231)
29	05/29/2003	(34942)
30	06/18/2003	(156235)
31	07/22/2003	(156239)
32	08/12/2003	(149114)
33	08/25/2003	(294631)
34	09/05/2003	(148573)
35	09/11/2003	(247716)
36	09/11/2003	(247715)
37	09/11/2003	(247707)
38	09/15/2003	(248772)
39	09/23/2003	(294633)
40	10/21/2003	(294635)
41	11/04/2003	(248163)
42	11/10/2003	(254108)
43	11/24/2003	(294636)
44	12/08/2003	(255385)
45	12/08/2003	(255379)
46	12/19/2003	(294637)
47	12/31/2003	(250496)
48	01/02/2004	(250803)
49	01/07/2004	(259035)
50	01/22/2004	(294638)
51	01/28/2004	(257477)
52	02/23/2004	(294620)
53	02/24/2004	(261244)
54	03/01/2004	(435191)
55	03/04/2004	(263718)
56	03/04/2004	(263712)
57	03/10/2004	(263897)
58	03/16/2004	(294622)
59	03/18/2004	(253458)
60	04/06/2004	(252241)
61	04/09/2004	(268950)
62	04/13/2004	(294623)
63	04/24/2004	(254305)
64	04/24/2004	(254307)
65	04/26/2004	(251990)
66	05/17/2004	(294625)
67	05/19/2004	(271625)
68	05/19/2004	(271629)
69	05/19/2004	(271621)
70	05/26/2004	(268395)
71	05/27/2004	(272970)
72	05/27/2004	(273891)
73	05/27/2004	(273737)
74	05/27/2004	(273749)
75	05/27/2004	(273717)
76	05/27/2004	(272823)
77	06/02/2004	(268755)
78	06/03/2004	(268798)
79	06/04/2004	(270179)
80	06/10/2004	(451226)
81	06/18/2004	(266747)

82	06/21/2004	(294627)
83	07/12/2004	(294629)
84	07/15/2004	(261949)
85	07/19/2004	(281796)
86	07/27/2004	(259089)
87	08/13/2004	(274408)
88	08/13/2004	(274792)
89	08/13/2004	(274627)
90	08/13/2004	(274430)
91	08/16/2004	(276410)
92	08/19/2004	(289922)
93	08/24/2004	(351823)
94	08/31/2004	(268075)
95	08/31/2004	(280950)
96	08/31/2004	(283764)
97	08/31/2004	(287046)
98	08/31/2004	(283681)
99	08/31/2004	(285140)
100	08/31/2004	(272768)
101	08/31/2004	(283738)
102	08/31/2004	(278218)
103	09/01/2004	(291363)
104	09/01/2004	(286037)
105	09/01/2004	(286055)
106	09/01/2004	(288979)
107	09/01/2004	(291083)
108	09/01/2004	(291452)
109	09/23/2004	(351824)
110	09/30/2004	(286082)
111	09/30/2004	(286092)
112	09/30/2004	(286067)
113	09/30/2004	(280208)
114	10/01/2004	(293097)
115	10/01/2004	(289600)
116	10/19/2004	(290690)
117	10/19/2004	(291164)
118	10/25/2004	(351825)
119	10/25/2004	(351827)
120	11/04/2004	(339482)
121	11/05/2004	(339795)
122	11/05/2004	(339757)
123	11/05/2004	(339803)
124	11/11/2004	(281947)
125	11/11/2004	(282297)
126	11/16/2004	(351826)
127	11/16/2004	(340113)
128	11/18/2004	(341134)
129	11/18/2004	(341140)
130	11/19/2004	(339371)
131	11/19/2004	(339082)
132	11/19/2004	(340338)
133	11/19/2004	(341137)
134	11/19/2004	(339079)
135	11/22/2004	(282861)
136	11/23/2004	(333630)
137	11/26/2004	(267345)
138	11/29/2004	(340626)
139	11/29/2004	(339366)
140	11/29/2004	(340639)
141	11/29/2004	(340062)
142	11/29/2004	(340125)
143	11/29/2004	(339078)
144	12/08/2004	(335444)
145	12/09/2004	(340663)
146	12/09/2004	(340574)
147	12/09/2004	(338894)
148	12/10/2004	(338900)
149	12/13/2004	(282146)

150	12/13/2004	(339102)
151	12/13/2004	(340541)
152	12/13/2004	(336747)
153	12/13/2004	(336751)
154	12/13/2004	(339031)
155	12/13/2004	(339270)
156	12/14/2004	(338914)
157	12/14/2004	(340622)
158	12/14/2004	(339099)
159	12/14/2004	(339132)
160	12/14/2004	(338125)
161	12/14/2004	(338108)
162	12/14/2004	(339128)
163	12/14/2004	(338239)
164	12/14/2004	(339131)
165	12/14/2004	(340656)
166	12/16/2004	(339023)
167	12/16/2004	(338936)
168	12/16/2004	(338890)
169	12/16/2004	(338891)
170	12/16/2004	(338892)
171	12/16/2004	(340555)
172	12/17/2004	(340853)
173	12/20/2004	(344346)
174	12/20/2004	(339027)
175	12/20/2004	(338583)
176	12/20/2004	(339872)
177	12/20/2004	(344329)
178	12/20/2004	(339263)
179	12/22/2004	(344971)
180	12/27/2004	(274786)
181	12/27/2004	(283778)
182	12/27/2004	(283882)
183	12/27/2004	(381705)
184	12/27/2004	(344688)
185	12/28/2004	(281660)
186	12/28/2004	(339638)
187	12/28/2004	(291446)
188	12/28/2004	(340682)
189	12/28/2004	(344613)
190	12/29/2004	(344652)
191	12/29/2004	(338297)
192	12/29/2004	(339794)
193	12/29/2004	(288544)
194	12/30/2004	(284317)
195	12/31/2004	(344475)
196	12/31/2004	(345043)
197	12/31/2004	(289229)
198	12/31/2004	(284156)
199	01/03/2005	(284492)
200	01/03/2005	(284816)
201	01/03/2005	(338765)
202	01/04/2005	(289427)
203	01/04/2005	(339567)
204	01/06/2005	(288366)
205	01/06/2005	(288634)
206	01/06/2005	(292125)
207	01/06/2005	(284616)
208	01/06/2005	(341553)
209	01/07/2005	(291517)
210	01/07/2005	(341103)
211	01/10/2005	(339436)
212	01/10/2005	(340723)
213	01/18/2005	(268595)
214	01/18/2005	(347417)
215	01/19/2005	(337943)
216	01/19/2005	(337942)
217	02/10/2005	(282617)

218	02/14/2005	(341146)
219	02/18/2005	(343652)
220	02/22/2005	(381703)
221	02/22/2005	(436125)
222	02/23/2005	(350619)
223	02/23/2005	(350617)
224	02/23/2005	(350616)
225	03/03/2005	(373069)
226	03/03/2005	(372375)
227	03/10/2005	(371700)
228	03/21/2005	(381704)
229	03/22/2005	(372568)
230	03/22/2005	(373360)
231	04/01/2005	(345035)
232	04/07/2005	(344347)
233	04/08/2005	(345065)
234	04/18/2005	(419497)
235	04/20/2005	(252264)
236	04/20/2005	(373601)
237	04/22/2005	(377248)
238	04/25/2005	(377475)
239	04/25/2005	(377472)
240	04/25/2005	(419500)
241	04/25/2005	(377471)
242	04/28/2005	(378515)
243	05/09/2005	(379955)
244	05/11/2005	(374665)
245	05/11/2005	(373962)
246	05/20/2005	(419498)
247	05/20/2005	(377045)
248	05/20/2005	(379096)
249	05/25/2005	(392490)
250	05/25/2005	(379936)
251	05/26/2005	(345468)
252	05/26/2005	(282424)
253	05/26/2005	(341932)
254	06/17/2005	(419499)
255	06/23/2005	(350406)
256	06/28/2005	(392489)
257	06/29/2005	(348404)
258	07/18/2005	(380177)
259	07/22/2005	(345720)
260	07/26/2005	(397181)
261	08/02/2005	(397176)
262	08/08/2005	(400685)
263	08/08/2005	(274224)
264	08/08/2005	(398880)
265	08/08/2005	(336477)
266	08/12/2005	(401566)
267	08/15/2005	(404281)
268	08/16/2005	(403465)
269	08/18/2005	(404903)
270	08/19/2005	(394676)
271	08/19/2005	(402460)
272	08/19/2005	(402082)
273	08/22/2005	(402317)
274	08/22/2005	(440652)
275	08/23/2005	(400386)
276	08/24/2005	(404566)
277	08/24/2005	(404569)
278	08/24/2005	(404560)
279	08/29/2005	(403471)
280	08/29/2005	(400410)
281	08/30/2005	(405036)
282	08/30/2005	(418478)
283	08/30/2005	(403600)
284	08/31/2005	(406160)
285	09/01/2005	(400327)

286	09/06/2005	(399764)
287	09/14/2005	(406870)
288	09/14/2005	(403367)
289	09/15/2005	(377149)
290	09/15/2005	(260589)
291	09/15/2005	(418585)
292	09/16/2005	(406970)
293	09/16/2005	(285680)
294	09/16/2005	(380788)
295	09/19/2005	(404902)
296	09/19/2005	(440653)
297	09/22/2005	(440654)
298	09/22/2005	(440655)
299	09/23/2005	(432666)
300	09/27/2005	(394338)
301	10/07/2005	(393826)
302	10/11/2005	(432303)
303	10/12/2005	(252191)
304	10/12/2005	(433061)
305	10/12/2005	(433072)
306	11/15/2005	(432968)
307	11/17/2005	(407011)
308	11/21/2005	(468150)
309	11/21/2005	(468152)
310	12/05/2005	(432348)
311	12/05/2005	(434122)
312	12/08/2005	(438708)
313	12/15/2005	(436991)
314	12/19/2005	(468151)
315	01/20/2006	(433636)
316	01/24/2006	(451779)
317	01/24/2006	(451782)
318	01/24/2006	(451783)
319	01/30/2006	(453068)
320	02/15/2006	(436815)
321	02/16/2006	(436510)
322	02/16/2006	(450859)
323	02/16/2006	(436874)
324	02/17/2006	(450896)
325	02/21/2006	(438502)
326	02/22/2006	(468147)
327	02/22/2006	(406484)
328	02/22/2006	(431649)
329	02/22/2006	(436096)
330	02/23/2006	(438893)
331	02/27/2006	(431613)
332	02/27/2006	(431717)
333	02/28/2006	(280636)
334	02/28/2006	(405531)
335	03/13/2006	(405832)
336	03/16/2006	(498014)
337	03/16/2006	(450739)
338	03/21/2006	(259596)
339	04/17/2006	(468148)
340	04/17/2006	(468149)
341	05/05/2006	(345041)
342	05/12/2006	(463184)
343	05/12/2006	(463185)
344	05/12/2006	(463181)
345	05/15/2006	(498015)
346	05/16/2006	(465072)
347	05/16/2006	(465202)
348	05/16/2006	(465220)
349	05/17/2006	(400694)
350	05/18/2006	(264757)
351	05/18/2006	(264800)
352	05/31/2006	(464272)
353	05/31/2006	(480291)

354	06/15/2006	(481429)
355	06/16/2006	(480900)
356	06/19/2006	(498016)
357	06/23/2006	(464246)
358	06/30/2006	(481539)
359	07/07/2006	(437544)
360	07/07/2006	(467173)
361	07/07/2006	(464259)
362	07/13/2006	(467291)
363	07/19/2006	(480929)
364	07/20/2006	(486394)
365	07/20/2006	(486378)
366	07/20/2006	(486387)
367	07/27/2006	(483807)
368	08/15/2006	(281937)
369	08/18/2006	(482275)
370	08/21/2006	(520031)
371	08/25/2006	(488981)
372	08/25/2006	(463821)
373	08/27/2006	(510161)
374	08/31/2006	(497522)
375	08/31/2006	(497518)
376	08/31/2006	(497527)
377	09/01/2006	(481204)
378	09/05/2006	(509936)
379	09/15/2006	(520032)
380	09/21/2006	(530965)
381	09/25/2006	(512306)
382	09/28/2006	(512567)
383	10/24/2006	(544278)
384	11/15/2006	(517680)
385	11/21/2006	(518985)
386	11/21/2006	(544279)
387	11/21/2006	(518972)
388	11/21/2006	(518980)
389	12/08/2006	(517101)
390	12/19/2006	(544280)
391	12/19/2006	(532956)
392	01/05/2007	(531855)
393	01/16/2007	(534109)
394	01/22/2007	(544281)
395	01/26/2007	(534737)
396	01/31/2007	(513272)
397	01/31/2007	(457489)
398	02/09/2007	(509890)
399	02/14/2007	(434925)
400	02/22/2007	(512341)
401	02/22/2007	(512189)
402	02/22/2007	(512649)
403	02/22/2007	(512368)
404	02/22/2007	(512275)
405	02/22/2007	(431850)
406	03/12/2007	(540407)
407	03/12/2007	(540503)
408	03/12/2007	(540416)
409	03/15/2007	(535022)
410	03/19/2007	(574931)
411	03/28/2007	(540156)
412	03/29/2007	(542920)
413	04/04/2007	(555509)
414	04/10/2007	(542873)
415	04/12/2007	(574935)
416	04/12/2007	(543042)
417	04/16/2007	(574932)
418	04/16/2007	(542550)
419	04/20/2007	(556064)
420	04/25/2007	(543054)
421	04/25/2007	(543058)

422 04/30/2007 (555878)
 423 05/03/2007 (542590)
 424 05/07/2007 (574930)
 425 05/14/2007 (559594)
 426 05/18/2007 (574933)
 427 05/30/2007 (556477)
 428 05/31/2007 (561276)
 429 05/31/2007 (560801)
 430 05/31/2007 (560748)
 431 06/20/2007 (574934)
 432 06/22/2007 (467312)
 433 06/22/2007 (539374)
 434 06/26/2007 (558937)
 435 06/27/2007 (561521)
 436 07/12/2007 (512520)
 437 07/27/2007 (565839)
 438 08/06/2007 (568015)
 439 08/14/2007 (571495)
 440 08/21/2007 (601492)
 441 08/22/2007 (561466)
 442 08/27/2007 (568067)
 443 08/27/2007 (532445)
 444 08/29/2007 (543546)
 445 09/07/2007 (573536)
 446 09/14/2007 (573872)
 447 09/20/2007 (601493)
 448 10/03/2007 (564748)
 449 10/03/2007 (564678)
 450 10/05/2007 (574185)
 451 10/05/2007 (568241)
 452 10/11/2007 (595853)
 453 10/16/2007 (596020)
 454 10/19/2007 (566489)
 455 10/19/2007 (566868)
 456 10/23/2007 (595678)
 457 10/24/2007 (596361)
 458 10/24/2007 (597474)
 459 10/25/2007 (594097)
 460 11/01/2007 (599075)
 461 11/01/2007 (599076)
 462 11/01/2007 (599071)
 463 11/06/2007 (599895)
 464 11/06/2007 (599985)
 465 11/14/2007 (600505)
 466 11/15/2007 (593887)

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

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)
 Description: Failure to meet the limit for one or more permit parameter
 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)
 Description: Failure to meet the limit for one or more permit parameter
 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)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2003 (156227)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 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: 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 2315; Special Condition No. 1
 Description: BP failed to properly control VOC and H2S emissions during a shutdown operation.
 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 2315; Special Condition No. 1
 Description: BP failed to properly control VOC, H2S, and CO emissions during a Coker C Drum
 cooldown cycle.
 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 2612 Special Condition 1
 Description: Exceeded a permit limit during an emissions event.
 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: 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: 06/09/2004 (269846)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 Description: Facility failed to prevent a nuisance violation.
 Date: 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: 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 8810 Special Condition 1
 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: 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 2231 Special Condition 1
 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 2231 Special Condition 1
 Description: Exceeded VOC limits.
 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: 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)
 Description: Failure to meet the limit for one or more permit parameter
 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 21191 Special Condition 1
 Description: Failure to prevent the premature failure of the SO2 analyzer and the pH analyzer.
 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: 12/27/2004 (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 No.18707, Special Condition #1
 Description: Exceeded permit limits during an avoidable emissions event.
 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 2384A Special Condition 1
 Description: Failure to prevent the J4 air blower surge.
 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 No. 20982, Special Condition No. 1,
 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: 01/03/2005 (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 TCEQ Air Permit No. 19599, SC #1
 Description: Exceeded permit limit during an avoidalbe emissions event.
 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: 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 No. 20982, Special Condition No. 1,
 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: 01/06/2005 (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 No. 19599, Special Condition No. 1,
 Description: Failure to prevent the overpressure of the 401E overhead tower
 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 8810 & PSD-TX-402M2, Special Condition1,
 Description: Failure to prevent the H3566 relief valve from leaking to the CRPII Flare (501).
 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.
 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: 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 19297 SC 1
 Description: Facility did not maintain ammonia emissions below permitted level.
 Facility exceeded NH3 slip
 Date: 05/26/2005 (345468)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 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: 05/26/2005 (341932)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 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: 05/31/2005 (419499)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (440652)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 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 No. 18707, Special Condition No. 1,
 Description: BP failed 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 SP 7
 Description: Failure to prevent an avoidable emissions event.
 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 Special Condition 7
 Description: Failure to maintain steady catalyst circulation rates while the unit was operating at
 reduced throughput.
 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 2610, Special Condition No. 1		
Description:	Failure to prevent an avoidable emissions event.		
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 No. 6488, Special Condition No. 2		
Description:	BP failed to prevent a leak from the short loop in the regeneration system.		
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 circulation.		
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:	12/05/2005	(434122)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT No. 47256, Special Condition No. 1,		
Description:	BP failed to prevent an avoidable emissions event.		
Date:	12/05/2005	(432348)	
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 No. 2612, Special Condition No. 1		
Description:	BP failed to prevent an AU2 Flare shutdown and benzene release to the atmosphere.		
Date:	12/15/2005	(437544)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Description:	BP Products North America Texas City failed to prevent the electrostatic precipitator trip which resulted in an opacity greater than 20%.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT No. 47256, Special Condition No. 1		
Description:	BP Products North America Texas City failed to prevent the electrostatic precipitator trip.		
Date:	12/15/2005	(436991)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT No. 47256, Special Condition No. 1		
Description:	BP failed to prevent an avoidable emissions event.		
Date:	06/16/2006	(510161)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.121		
Rqmt Prov:	PERMIT Self-reporting Requirements		
Description:	Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.		
Date:	06/28/2006	(464246)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT No. 47256, Special Condition No. 1		
Description:	BP failed to prevent a malfunction of pressure relief valve (RV811M).		
Date:	07/07/2006	(467173)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.223(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	BP failed to submit a CAP in a timely manner.		
Date:	07/07/2006	(464259)	
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 47256 Special Condition 48
 Description: BP failed to conduct an extended dry out procedure in the B-302 furnace before starting up the unit.
 Date: 08/29/2006 (463821)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT No. 47256, Special Condition No. 1
 Description: BP failed to prevent a release from pressure relief valve (RV828).
 Date: 09/21/2006 (530965)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 03/28/2007 (540156)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 2612, Special Condition No. 1
 Description: BP failed to meet the affirmative defense for the emissions event.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
 Description: BP failed to provide requested information by the deadline.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: BP failed to identify the authorization number of the standard permit governing the facilities involved in the emissions event.
 Date: 03/30/2007 (542920)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
 Description: BP Products North America Texas City failed to provide an analysis of the probable causes of emissions event No. 82575 in a timely manner.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT No. 47256, Special Condition No. 1
 Description: BP Products North America Texas City failed to prevent a pipeline leak at Tank Storage No. 105.
 Date: 04/20/2007 (556064)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
 Description: BP Products North America Texas City failed to provide an analysis of the probable causes of Incident No. 85818 by March 12, 2007.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 47256 SC 1
 Description: BP Products North America Texas City failed to prevent a heat exchanger leak.
 Date: 04/30/2007 (574933)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2007 (574934)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2007 (556477)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(E)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT No. 47256, Special Condition No. 38
 Description: BP Products North America Texas City failed to prevent a circuit breaker trip causing a temporary shutdown in the Fluid Catalyst Cracking Unit No. 3 , electrostatic precipitator (ESP).
 Date: 06/06/2007 (556814)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 Description: Release of catalyst adversely affecting human health and property
 Date: 08/29/2007 (543546)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include a deviation on the deviation report within its certification period.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.213(c)(1)(G)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.147(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02328 Special Condition 16
 OP FOP O-02328 Special Condition 1A
 PERMIT NSR 47256 Special Condition 63
 PERMIT NSR 47256 Special Condition 63C
 Description: Failure to install NOx CEMS on thermal oxidizers.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include the applicable requirements for CEMS on thermal oxidizer in Title V O-02328.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart VV 60.482-6
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02328 Special Condition 16
 OP FOP O-02328 Special Condition 1A
 PERMIT NSR 47256 Special Condition 17E
 Description: Failure to close open-ended lines containing VOCs. (Category C10)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include NESHAP subpart FF requirements for dock sumps in Title V Permit O-02328.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to include NSPS subpart J requirements in Title V Permit O-02328.
 Date: 08/31/2007 (601493)

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/23/2007 (596361)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT No. 2231, Special Condition No. 1
 Description: BP failed to prevent a corrosion leak in line 166 of Tank 30 which resulted in the release of 18 pounds (lbs.) of un authorized air contaminants to the atmosphere.
 Date: 10/24/2007 (597474)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT No. 47256, Special Condition #1
 Description: BP failed to prevent non condensable vapors from collecting in the overhead space of the F-630 reflux drum causing a release in Aromatics Unit No.2, at Flare No.2.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: BP failed to submit the initial notification within 24 hours after the discovery of the emissions event.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: BP failed to include the authorization number or permit in the final notification

submitted to the TCEQ.

F. Environmental audits.

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

Disclosure Date: 12/20/2002

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT 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

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT 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

Citation: 30 TAC Chapter 115, SubChapter B

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

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT 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

Citation: 30 TAC Chapter 115, SubChapter B

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B

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

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B

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

Citation: 30 TAC Chapter 116, SubChapter B

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A

30 TAC Chapter 106, SubChapter K

Description: Failure to maintain records of maintenance emissions from blowdown stacks

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F

Description: Failure to report emissions from blowdown stacks which exceeded reportable quantities for hydrogen sulfide and benzene

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A

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

Notice of Intent Date: 07/15/2002 (32987)

Disclosure Date: 01/23/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter A

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

Notice of Intent Date: 04/01/2003 (33746)

Disclosure Date: 11/13/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B

Description: Failed to provide emissions controls on tanks 608 and 609 in the Aromatics Recovery Unit.

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

Disclosure Date: 12/16/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Rqmt Prov: PERMIT 2610

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

Citation: 30 TAC Chapter 115, SubChapter B

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

Notice of Intent Date: 08/28/2003 (251716)

No DOV Associated

Notice of Intent Date: 10/31/2003 (263051)

No DOV Associated

Notice of Intent Date: 02/04/2004 (263375)

Disclosure Date: 12/07/2004
 Viol. Classification: Major
 Rqmt Prov: PERMIT EPN 611
 Description: FLARE EXCEEDED BZ EMISSION LIMITS
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G
 Description: OVERLOOKED REFLUX DRUM VENT IN HON EVALUATION
 Viol. Classification: Moderate
 Rqmt Prov: PERMIT EPN 341
 Description: ARJ FLARE ABOVE VOC EMISSION LIMIT
 Viol. Classification: Major
 Rqmt Prov: PERMIT SC 2
 Description: HEATERS EXCEEDED NOX EMISSION FACTORS
 Notice of Intent Date: 05/06/2004 (274518)
 No DOV Associated
 Notice of Intent Date: 02/02/2005 (371578)
 Disclosure Date: 08/05/2005
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B
 Description: Failed to include 31 engines in the refinery's Federal Operating Permit Application.
 Viol. Classification: Major
 Citation: 30 TAC Chapter 106, SubChapter A
 Description: Failure to maintain records to document authorization to operate per PBR requirements.
 Viol. Classification: Major
 Citation: 30 TAC Chapter 106, SubChapter W
 Description: Failed to submit PI-7 forms for several engines.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A
 Description: Failure to include several engines in the annual emission inventory (EI).
 Notice of Intent Date: 02/24/2005 (374219)
 No DOV Associated
 Notice of Intent Date: 08/11/2005 (434113)
 No DOV Associated
 Notice of Intent Date: 02/23/2006 (458564)
 No DOV Associated
 Notice of Intent Date: 10/06/2006 (531596)
 No DOV Associated
 Notice of Intent Date: 01/08/2007 (543500)
 No DOV Associated
 Notice of Intent Date: 01/08/2007 (543516)
 No DOV Associated
 Notice of Intent Date: 01/08/2007 (543522)
 No DOV Associated
 Notice of Intent Date: 01/15/2007 (543479)
 No DOV Associated
 Notice of Intent Date: 01/15/2007 (543483)
 No DOV Associated
 Notice of Intent Date: 02/27/2007 (554846)
 No DOV Associated
 Notice of Intent Date: 05/14/2007 (563478)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563481)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563537)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563568)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563575)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563584)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563639)
 No DOV Associated
 Notice of Intent Date: 05/23/2007 (563643)
 No DOV Associated

Notice of Intent Date: 05/25/2007 (563649)
No DOV Associated
Notice of Intent Date: 06/08/2007 (565946)
No DOV Associated
Notice of Intent Date: 06/04/2007 (571646)
No DOV Associated
Notice of Intent Date: 08/08/2007 (593445)
No DOV Associated
Notice of Intent Date: 09/10/2007 (596466)
No DOV Associated
Notice of Intent Date: 09/11/2007 (596501)
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

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant):	BP PRODUCTS NORTH AMERICA INC	CUSTOMER NO.:	CN600866800
REGULATED ENTITY:	BP PRODUCTS NORTH AMERICA TEXAS CITY	REG. ENTITY NO.:	RN102535077
REG. ENTITY ADDRESS:	2401 5TH AVENUE SOUTH		
REG. ENTITY CITY:	TEXAS CITY		

Violations

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	CAA SECT. OF STATUTE: 113A
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 262 CITE SECT.:
CASE RESULT:	Final Order With Penalty	PROGRAM:	NOVs and Compliance Orders
		VIOLATION TYPE:	Benzene Waste

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	RCRA SECT. OF STATUTE: 3008
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 264 CITE SECT.:
CASE RESULT:	Final Order With Penalty	PROGRAM:	Hazardous Waste Management- C-T
		VIOLATION TYPE:	

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	RCRA SECT. OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 270 CITE SECT.:
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	 SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 52 CITE SECT.: 21
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	 SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 60 CITE SECT.: J,VV
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	 SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 61 CITE SECT.: FF
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	 SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 63 CITE SECT.: F,H,
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	

EPA CASE NO.:	05-2000-0586	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010829	STATUTE:	 SECT. OF STATUTE:
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR CITE PART: 63 CITE SECT.: F,H,CC
CASE RESULT:	Final Order With Penalty	PROGRAM:	
		VIOLATION TYPE:	

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BP PRODUCTS NORTH AMERICA INC.
RN102535077
RN104085691

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1919-IHW-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. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent 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, the Respondent 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 2401 5th Avenue South in Texas City, Galveston County, Texas ("Facility 1"); and the Respondent owns a landfarm located on Loop

197 South, Landfarms 1 & 2 between Highway 6 and Highway 519 in Texas City, Galveston County, Texas ("Facility 2"). Facility 1 and Facility 2 are collectively known as "the Facilities".

2. The Facilities involve or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards. Specifically, the Respondent sent 14 shipments of hazardous amine reclaimer bottoms designated as nonhazardous Waste Stream 10376021 to an unauthorized facility, Facility 2, on the following dates: June 27, 2003, March 23, 2004, April 16, 21, and 28, 2004, July 12, 22 (two shipments), and 23, 2004, September 9, 23, 28, and 29, 2004, and September 27, 2006. It was documented that sample analytical data indicated that this waste was characteristically hazardous for chromium and/or selenium.
4. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards. Specifically, the Respondent sent nine shipments of hazardous amine reclaimer bottoms designated as nonhazardous Waste Stream 10376021 to an unauthorized facility, Gulf West Landfill Texas, on the following dates: December 8 (four shipments), December 9 (two shipments), December 10 (two shipments), and December 13, 2004. It was documented that sample analytical data indicated that this waste was characteristically hazardous for chromium and/or selenium.
5. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to provide land disposal restriction notices to the land treatment facility and Gulf West Landfill Texas along with the initial shipments of hazardous amine reclaimer bottoms to those facilities. Specifically, the Respondent did not provide restriction notices with the initial shipments to Facility 2 on June 27, 2003 or Gulf West Landfill Texas on December 8, 2004.
6. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to maintain an up-to-date Notice of Registration ("NOR") for Facility 1. Specifically, waste information regarding hazardous amine reclaimer bottoms (the material generated in 2004 and 2006 disposed of as Class 1 waste), was missing from the NOR. Also, this waste should be added to all Waste Management Units that manage the waste generated in 2004 and 2006.
7. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to submit a complete and correct Annual Waste Summary ("AWS") for Facility 1. Specifically, the AWS for 2004 and 2006 did not include the amount of hazardous amine reclaimer bottoms generated for each year.
8. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to correctly complete uniform hazardous waste manifests. Specifically, the Respondent incorrectly completed the manifest for nine shipments of hazardous amine

reclaimer bottoms, indicating the waste as nonhazardous Class 1 waste, to Gulf West Landfill Texas. The shipments occurred on the following dates: December 8, 2004 (Manifest Nos. WM 006742, WM 006743, WM 006744, and WM 006745), December 9, 2004 (WM 006741 and WM 006750), December 10, 2004 (WM 006747 and WM 006748), and December 13, 2004 (WM 006749).

9. During an investigation conducted from July 25 to September 21, 2007, TCEQ staff documented that the Respondent failed to make a complete and correct hazardous waste determination. Specifically, the Respondent did not make a complete and correct hazardous waste determination for amine reclaimer bottoms. Sample analytical reports showed the waste to be characteristically hazardous for chromium and/or selenium.
10. During an investigation conducted on June 20, 2007, TCEQ staff documented that the Respondent failed to prevent the land disposal of characteristically hazardous waste not meeting applicable treatment standards and failed to comply with permit conditions. Specifically, 14 shipments of amine reclaimer bottoms from Facility 1 were land applied at Facility 2 on the following dates: June 27, 2003, March 23, 2004, April 16, 21, and 28, 2004, July 12, 22 (two shipments), and 23, 2004, September 9, 23, 28, and 29, 2004, and September 27, 2006. It was documented that sample analytical data indicated that this waste was characteristically hazardous for chromium and/or selenium. Facility 2 is not authorized by their permit to receive, process, and/or dispose of this waste.
11. During an investigation conducted on June 20, 2007, TCEQ staff documented that the Respondent failed to report to the TCEQ in a timely manner the land disposal of hazardous waste. Specifically, a July 11, 2003 analytical report showed the waste as being characteristically hazardous for selenium, and contained chromium. The Respondent notified the TCEQ of this issue on March 12, 2007.
12. During a record review investigation conducted on December 11, 2007, TCEQ staff documented that the Respondent failed to pay Consolidated Water Quality ("CWQ") fees for Fiscal Year 2008 and associated late fees.
13. The Respondent received notices of the violations on August 27, 2007 and October 9, 2007.
14. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:
 - a. Notified the TCEQ by letter on March 12, 2007, of the land disposal of hazardous waste (amine reclaimer bottoms) at Facility 2, which was characteristically hazardous for chromium and/or selenium; and
 - b. Notified the TCEQ by letter on March 12, 2007, that a hazardous waste determination had been made for the amine reclaimer bottoms at Facility 1. The information indicated that the waste had been determined to be hazardous per an analytical report dated October 5, 2006 for a sample collected on September 23, 2006.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards, in violation of 30 TEX. ADMIN. CODE §§ 335.2(b) and 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS §§ 268.9(c) and 268.40(e), and Permit No. HW-50255, Sec. II.A.7.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent the unauthorized land disposal of characteristically hazardous waste not meeting applicable treatment standards, in violation of 30 TEX. ADMIN. CODE §§ 335.2(b) and 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS §§ 268.9(c) and 268.40(e), and Permit No. HW-50255, Sec. II.A.7.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to provide land disposal restriction notices to the land treatment facility and landfill along with the initial shipments of hazardous amine reclaimer bottoms to those facilities, in violation of 30 TEX. ADMIN. CODE § 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS § 268.7(a)(2), and Permit No. HW-50255, Sec. II.A.7.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain an up-to-date NOR for Facility 1, in violation of 30 TEX. ADMIN. CODE § 335.6(c) and Permit No. HW-50255, Sec. II.C.1.h.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to submit a complete and correct AWS for Facility 1, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2) and Permit No. HW-50255, Sec. II.C.1.h.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to correctly complete uniform hazardous waste manifests, in violation of 30 TEX. ADMIN. CODE § 335.10(c), 40 CODE OF FEDERAL REGULATIONS § 262.20(a)(1), and Permit No. HW-50255, Sec. II.C.1.h.
8. As evidenced by Findings of Fact No. 9, the Respondent failed to make a complete and correct hazardous waste determination, in violation of 30 TEX. ADMIN. CODE §§ 335.62 and 335.504 and 40 CODE OF FEDERAL REGULATIONS § 262.11.
9. As evidenced by Findings of Fact No. 10, the Respondent failed to prevent the land disposal of characteristically hazardous waste not meeting applicable treatment standards and failed to comply with permit conditions, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 335.2(a), and 335.431(c)(1), 40 CODE OF FEDERAL REGULATIONS §§ 268.9(c) and 268.40(e), and Permit No. HW-50183, Secs. II.A.2. and IV.B.1.

10. As evidenced by Findings of Fact No. 11, the Respondent failed to report to the TCEQ in a timely manner the land disposal of hazardous waste, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9) and Permit No. HW-50183, Secs. II.A.2. and II.B.4.
11. As evidenced by Findings of Fact No. 12, the Respondent failed to pay CWQ fees for Fiscal Year 2008 and associated late fees, in violation of 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702.
12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.
13. An administrative penalty in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) 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. The Respondent has paid Three Hundred Twenty-Five Thousand Dollars (\$325,000) of the administrative penalty. Three Hundred Twenty-Five Thousand Dollars (\$325,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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. 2007-1919-IHW-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 Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in paragraph 13 in Conclusions of Law above, Three Hundred Twenty-Five Thousand Dollars (\$325,000) of the assessed penalty shall be

offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent'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 Respondent shall undertake the following technical requirements:

a. Immediately upon the effective date of this Agreed Order:

- i. Cease the receipt, processing, and/or disposal of waste not authorized by Permit No. HW-50183, in accordance with 30 TEX. ADMIN. CODE § 305.125(1);
- ii. Ensure that land disposal restriction notices are provided to treatment or storage facilities along with the initial shipments of waste that meet the requirements in 40 CODE OF FEDERAL REGULATIONS § 268.7(a)(2), in accordance with 30 TEX. ADMIN. CODE § 335.431(c)(1) and Permit No. HW-50255, Sec. II.A.7.;
- iii. Ensure that the unauthorized land disposal of characteristically hazardous waste is prevented, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and 335.2(a) and (b), 40 CODE OF FEDERAL REGULATIONS § 268.9(c), Permit No. HW-50183, Secs. II.A.2. and IV.B.1., and Permit No. HW-50255, Sec. II.A.7.; and
- iv. Ensure that uniform hazardous waste manifests are correctly completed, in accordance with 30 TEX. ADMIN. CODE § 335.10(c), 40 CODE OF FEDERAL REGULATIONS § 262.20(a)(1), and Permit No. HW-50255, Sec. II.C.1.h.

b. Within 30 days after the effective date of this Agreed Order:

- i. Ensure NOR for Facility 1 is updated with waste information regarding hazardous amine reclaimer bottoms and all Waste Management Units that manage the hazardous waste reclaimer bottoms generated in 2004 and 2006 are added to the NOR, in accordance with 30 TEX. ADMIN. CODE § 335.6(c) and Permit No. HW-50255, Sec. II.C.1.h.;
- ii. Submit payment for outstanding fees, including any associated penalties and interest and with the notation, "BP Products North America Inc., Account No. 23000041", to the address listed in Ordering Provision No. 1, in accordance with 30 TEX. ADMIN. CODE § 21.4. and TEX. WATER CODE § 5.702; and
- iii. Submit corrections for 2004 and 2006 AWSs for Facility 1, to include the amount of hazardous amine reclaimer bottoms generated for each year, in accordance with 30 TEX. ADMIN. CODE § 335.9(a)(2) and Permit No. HW-50255, Sec. II.C.1.h. to:

Industrial and Hazardous Waste Permits Section, MC 130
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.b.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
10. 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.
11. 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

John S. Sullivan
For the Executive Director

5/29/2009
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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Keith Casey
Signature

7-21-08
Date

Keith Casey
Name (Printed or typed)
Authorized Representative of
BP Products North America Inc.

7-21-08
Title

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

Attachment A
Docket Number: 2007-1919-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: BP Products North America Inc.
Penalty Amount: Six Hundred Fifty Thousand Dollars (\$650,000)
SEP Offset Amount: Three Hundred Twenty-Five Thousand Dollars (\$325,000)
Type of SEP: 1. Custom (land remediation and conservation)
2. Pre-approved (as a secondary option)
Location of SEP: Galveston County

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

1. Project Description

The Respondent certifies that there is no prior commitment to do the projects described below and that performance of the projects will be solely in an effort to settle this enforcement action.

A. Project 1

The Respondent shall: 1) cause to be purchased a minimum of 50 acres of contiguous property in and around Texas City; 2) address any contamination on the property to levels acceptable for park land; and 3) preserve the entire property in perpetuity as a park and nature preserve through the use of a conservation easement. The Respondent certifies that it currently has no legal responsibility for any contamination on the properties and agrees that it will not use these SEP monies to address any contamination for which it has a legal responsibility.

Within 60 days after the effective date of this Agreed Order, Respondent shall submit a Scope of Work to the SEP Coordinator for approval that details the following:

- description of purchased property, including acreage and a map depicting the specific location/boundaries;
- plan for any investigation and remediation of the properties or reasons (with objective backup information) why such investigation and remediation is unnecessary;
- plan for other work to be conducted on properties, such as removal of invasive species; and
- schedule for all phases of the project, including the filing of a conservation easement.

Prior to submittal of the Scope of Work, the Respondent shall have finalized property purchases and conducted an environmental assessment of the properties to determine if any remediation is necessary. All work on the project, including filing of the conservation easement, must be completed within 180 days after receiving the SEP Coordinator's approval of the Scope of Work. Upon request from the Respondent with appropriate justification, the SEP Coordinator may grant an extension to any timeframes in this Attachment A. The

Respondent shall ensure that the conservation easement is completed and filed in accordance with Chapter 183, Subchapter A, of the Natural Resources Code. The holder of the easement must meet the definition of "holder" under that subchapter and must be a different entity than the owner of the property.

The Respondent shall perform this project in accordance with all federal, state, and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. Additionally, the Respondent shall spend at least the SEP Offset Amount to complete the project.

(1) Environmental Benefit

This SEP will provide a discernible environmental benefit by acquiring, addressing any contamination on, and preserving property in perpetuity as a park and nature preserve. This will provide additional open space and wildlife habitat in the vicinity of Texas City.

(2) Reporting

(a) Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date. The Respondent shall provide 60-day progress reports thereafter.

(b) Final Report

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

- An itemized list of expenditures and total of costs incurred with receipts, copies of checks, or other verifying documentation attached;
- If contamination is discovered, laboratory reports from a certified laboratory showing the extent of contamination found in the soil and groundwater at each of the properties as well as manifests showing proper transport and disposal of any contaminated soils from the properties;
- The quantity of any materials removed and disposed;
- Photographs of the project;
- Evidence of other work completed at the properties, such as removal of invasive species;
- File-stamped copy of the conservation easement(s) protecting the property;
- A statement of quantifiable environmental benefits; and
- Any additional information Respondent believes will demonstrate compliance with this Attachment A.

(3) Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

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

B. Project 2 (as secondary option)

In the event that: 1) Respondent does not submit the Scope of Work for Project 1 within the required time period; 2) the property purchases and the environmental assessment are not completed within the required time period; 3) the Scope of Work is not acceptable to the SEP Coordinator (in the sole discretion of the SEP Coordinator); or 4) the project is not completed by the Respondent within the required time period, then Respondent shall contribute the SEP Offset Amount to the *Trust for Public Land (TPL)* for the *Galveston Bay Natural Area Acquisition and Conservation Program*.

The money will be used in accordance with an agreement between the TPL and the TCEQ. Specifically, SEP funds will pay for the costs of acquiring land for conservation purposes. The land will be transferred to a public entity or nonprofit organization. TPL will ensure that each property is encumbered with a conservation easement which will preserve the property in perpetuity.

(1) Environmental Benefit

This SEP will provide a discernible environmental benefit by acquisition and preservation of land in Galveston Bay. The project will improve water quality, conserve existing wetlands and other special habitats, and increase public access to the Bay. The acquisitions along Galveston Bay system waterways will maintain/restore stream buffers that help filter contaminants before they reach the water while also providing wildlife habitat. Additionally, the acquisitions will also provide a buffer for coastal wetlands, preventing their further degradation, and ensuring greater protection of uplands from storm surge and other erosional forces.

(2) Performance Schedule

Within 30 days after notice from the SEP Coordinator, the Respondent must contribute the SEP Offset Amount to TPL. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Program Director
The Trust for Public Land
Houston-Galveston Office
1113 Vine Street, Suite 117
Houston, TX 77002

(3) Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to TPL. The 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

2. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

3. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

4. Publicity

Any public statements concerning this SEP made by or on behalf of the 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.

5. Clean Texas Program

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

6. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government. However, this language is not meant to prohibit the Respondent from including properties contiguous to or in the vicinity of the properties involved in this SEP as part of a SEP under other orders negotiated with the TCEQ or any other agency of the state or federal government.

