

Executive Summary – Enforcement Matter – Case No. 41368
BP Amoco Chemical Company
RN102536307
Docket No. 2011-0461-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

BP Texas City Chemical Plant B, 2800 Farm-to-Market Road 519 East, Texas City,
Galveston County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 8, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,354

Amount Deferred for Expedited Settlement: \$470

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,884

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RN102536307
Docket No. 2011-0461-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 16, 2010 through June 18, 2010

Date(s) of NOE(s): March 8, 2011

Violation Information

1. Failed to conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare (FL-201) by November 20, 2009 [30 TEX. ADMIN. CODE §§ 113.120 and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.116(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (“FOP”) No. O1513, General Terms and Conditions and Special Terms and Conditions No. 1A].
2. Failed to report a deviation. Specifically, the failure to determine the net heating value of the gas being combusted at FL-201 by November 20, 2009 was not reported in the semi-annual deviation report for the July 1 through December 31, 2009 reporting period [30 TEX. ADMIN. CODE § 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1513, Special Terms and Conditions No. 1A].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare; and
 - ii. Implement measures and procedures to ensure that all deviations are reported in the semi-annual deviation reports.
- b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Docket No. 2011-0461-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division,
Enforcement Team 5, MC R-13, (210) 403-4006; Laurie Eaves, Enforcement Division,
MC 219, (512) 239-4495

TCEQ SEP Coordinator: N/A

Respondent: Victor Alvarado, Plant Manager, BP Amoco Chemical Company, P.O.
Box 401, Texas City, Texas 77592-0401

Paula LaRocca, Environmental Team Leader - Air, BP Amoco Chemical Company, P.O.
Box 401, Texas City, Texas 77592-0401

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Mar-2011	Screening	25-Mar-2011	EPA Due	3-Dec-2011
	PCW	29-Mar-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	BP Amoco Chemical Company
Reg. Ent. Ref. No.	RN102536307
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	41368	Order Type	1660
Docket No.	2011-0461-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	114.0% Enhancement	Subtotals 2, 3, & 7	\$1,254
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Notes: Enhancement for five NOVs with same/similar violations, eight NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for 24 Notice of Audit letters submitted and four Disclosures of Violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$618
Approx. Cost of Compliance	\$6,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,354
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$2,354
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,354
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DEFERRAL	20.0% Reduction	Adjustment	-\$470
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,884
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Screening Date 25-Mar-2011

Docket No. 2011-0461-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 41368

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	24	-24%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%

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) 114%

>> 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

Enhancement for five NOVs with same/similar violations, eight NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for 24 Notice of Audit letters submitted and four Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 114%

Screening Date 25-Mar-2011

Docket No. 2011-0461-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 41368

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 113.120 and 122.143(4), 40 Code of Federal Regulations § 63.116(a)(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1513, General Terms and Conditions and Special Terms and Conditions No. 1A

Violation Description Failed to conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare (FL-201) by November 20, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could be exposed to insignificant amounts of contaminants that would not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 282

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$1,000

One single event is recommended based on the test that was not conducted.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$487

Violation Final Penalty Total \$2,140

This violation Final Assessed Penalty (adjusted for limits) \$2,140

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
Case ID No. 41368
Reg. Ent. Reference No. RN102536307
Media Air
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	20-Nov-2009	1-Nov-2011	1.95	\$487	n/a	\$487

Notes for DELAYED costs

Estimated expense to conduct a performance test to determine the net heating value of the gas being combusted at the flare. The Date Required is the date the test should have been conducted. The Final Date is the date that corrective actions are projected to be completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$487

Screening Date 25-Mar-2011

Docket No. 2011-0461-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 41368

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O1513, Special Terms and Conditions No. 1A

Violation Description

Failed to report a deviation. Specifically, the failure to determine the net heating value of the gas being combusted at FL-201 by November 20, 2009 was not reported in the semi-annual deviation report for the July 1 through December 31, 2009 reporting period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

282 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended for the one deficient report.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$131

Violation Final Penalty Total \$214

This violation Final Assessed Penalty (adjusted for limits) \$214

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
Case ID No. 41368
Req. Ent. Reference No. RN102536307
Media Air
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Jan-2010	1-Nov-2011	1.75	\$131	n/a	\$131
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement measures and procedures to ensure that all deviations are reported in the semi-annual deviation reports. The Date Required is the date the deviation was due to be reported. The Final Date is the date that corrective actions are projected to be completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$131

Compliance History

Customer/Respondent/Owner-Operator: CN600126775 BP Amoco Chemical Company Classification: AVERAGE Rating: 3.23
 Regulated Entity: RN102536307 BP TEXAS CITY CHEMICAL PLANT B Classification: AVERAGE Site Rating: 4.80

ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT	TXG670142
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00030
	WASTEWATER	PERMIT	WQ0000452000
	WASTEWATER	EPA ID	TX0004766
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD005942438
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30373
	AIR NEW SOURCE PERMITS	REGISTRATION	93791
	AIR NEW SOURCE PERMITS	REGISTRATION	92266
	AIR NEW SOURCE PERMITS	REGISTRATION	91585
	AIR NEW SOURCE PERMITS	PERMIT	31936
	AIR NEW SOURCE PERMITS	REGISTRATION	47876
	AIR NEW SOURCE PERMITS	PERMIT	47273
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0001R
	AIR NEW SOURCE PERMITS	PERMIT	1176
	AIR NEW SOURCE PERMITS	PERMIT	2244
	AIR NEW SOURCE PERMITS	PERMIT	2725
	AIR NEW SOURCE PERMITS	PERMIT	5873
	AIR NEW SOURCE PERMITS	PERMIT	6841
	AIR NEW SOURCE PERMITS	REGISTRATION	10070
	AIR NEW SOURCE PERMITS	PERMIT	11911
	AIR NEW SOURCE PERMITS	PERMIT	11987
	AIR NEW SOURCE PERMITS	PERMIT	12181
	AIR NEW SOURCE PERMITS	PERMIT	12225
	AIR NEW SOURCE PERMITS	REGISTRATION	71903
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0574L
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX459
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX619
	AIR NEW SOURCE PERMITS	REGISTRATION	88401
	AIR NEW SOURCE PERMITS	AFS NUM	4816700002
	AIR NEW SOURCE PERMITS	REGISTRATION	90000
	AIR NEW SOURCE PERMITS	REGISTRATION	90262
	AIR NEW SOURCE PERMITS	REGISTRATION	89999
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX459M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX984
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX782
	AIR NEW SOURCE PERMITS	REGISTRATION	81500
	AIR NEW SOURCE PERMITS	REGISTRATION	84795
	AIR NEW SOURCE PERMITS	REGISTRATION	84314
	AIR NEW SOURCE PERMITS	REGISTRATION	91449
	AIR NEW SOURCE PERMITS	REGISTRATION	95240
	AIR NEW SOURCE PERMITS	REGISTRATION	89998
	AIR NEW SOURCE PERMITS	REGISTRATION	90658
	AIR NEW SOURCE PERMITS	REGISTRATION	84306
	AIR NEW SOURCE PERMITS	REGISTRATION	83420
	AIR NEW SOURCE PERMITS	REGISTRATION	83658
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX782M1

AIR NEW SOURCE PERMITS	REGISTRATION	87832
AIR NEW SOURCE PERMITS	REGISTRATION	84581
AIR NEW SOURCE PERMITS	REGISTRATION	85441
AIR NEW SOURCE PERMITS	REGISTRATION	84968
AIR NEW SOURCE PERMITS	REGISTRATION	87021
AIR OPERATING PERMITS	PERMIT	2329
AIR OPERATING PERMITS	PERMIT	1513
AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0574L
AIR OPERATING PERMITS	PERMIT	2329
AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0574L
AIR OPERATING PERMITS	PERMIT	2329
WATER LICENSING	LICENSE	0840213
WASTEWATER LICENSING	LICENSE	WQ0000452000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30373
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0001R
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0574L

Location: 2800 FM 519 RD E, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 17, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 17, 2006 to March 17, 2011

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

Name: Trina Grieco Phone: (210) 403-4006

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 07/14/2006 ADMINORDER 2006-0068-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 1176/PSD-TX-782 PERMIT
 Special Condition No. 1 PERMIT
 Description: Failure to prevent unauthorized emissions during a February 1, 2004 emissions event.

Effective Date: 11/18/2006 ADMINORDER 2006-0692-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Permit #31936, SC#1 PERMIT
 Description: BP failed to prevent a leak in Tower T-201.

Effective Date: 11/18/2006 ADMINORDER 2006-0401-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 1176, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions during a July 20, 2005 emissions event.

Effective Date: 04/28/2008 ADMINORDER 2007-1574-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Air Flexible Permit No. 1176 SC No. 1 PERMIT
Description: Failed to operate under conditions set by permit as a result of an unauthorized emissions event.

Effective Date: 11/06/2008 ADMINORDER 2008-0628-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Permit No. 1176, SC #1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from the POLYB Flare [emission point number ("EPN FL-351")]. Specifically, 5,088 pounds of volatile organic compounds were emitted on December 19, 2007 in a 6 hour, 2 minute period.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Flexible Permit No. 1176, SC #4B PERMIT
Description: Failed to operate the POLYB Flare (EPN FL-351) during the emissions event of December 19, 2007 with a flame present at all times.

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	03/29/2006	(454789)
2	05/17/2006	(458044)
3	05/22/2006	(460772)
4	05/09/2006	(461813)
5	05/31/2006	(465862)
6	07/07/2006	(480573)
7	07/18/2006	(486045)
8	08/28/2006	(489588)
9	08/09/2006	(497082)
10	04/21/2006	(498113)
11	05/16/2006	(498114)
12	06/28/2006	(498115)
13	11/22/2006	(514027)
14	01/31/2007	(517145)
15	07/24/2006	(520127)
16	08/21/2006	(520128)
17	09/18/2006	(520129)
18	11/29/2006	(531912)
19	12/21/2006	(533409)

20	12/13/2006	(533682)
21	01/08/2007	(534572)
22	12/05/2006	(544394)
23	11/20/2006	(544395)
24	08/03/2007	(563702)
25	07/30/2007	(563704)
26	08/06/2007	(563706)
27	08/10/2007	(570948)
28	08/21/2007	(571073)
29	08/22/2007	(571560)
30	08/20/2007	(571579)
31	09/06/2007	(571584)
32	08/16/2007	(572500)
33	08/29/2007	(573431)
34	09/06/2007	(574072)
35	03/19/2007	(575145)
36	04/16/2007	(575146)
37	05/18/2007	(575147)
38	06/20/2007	(575148)
39	05/15/2007	(575149)
40	01/09/2007	(575150)
41	09/21/2007	(594108)
42	11/06/2007	(596181)
43	11/27/2007	(597422)
44	12/20/2007	(597461)
45	07/17/2007	(601564)
46	08/21/2007	(601565)
47	09/20/2007	(601566)
48	02/25/2008	(610856)
49	02/25/2008	(618987)
50	10/23/2007	(619473)
51	11/19/2007	(619474)
52	12/18/2007	(619475)
53	01/17/2008	(619476)
54	03/06/2008	(636437)
55	04/08/2008	(638876)
56	12/07/2006	(639512)
57	04/08/2008	(640347)
58	04/10/2008	(670508)
59	05/23/2008	(670895)
60	02/21/2008	(671981)
61	03/15/2008	(671982)
62	04/15/2008	(671983)
63	07/18/2008	(681563)
64	08/30/2008	(681760)
65	08/29/2008	(688697)
66	10/02/2008	(689600)
67	08/19/2008	(689626)
68	05/12/2008	(689899)
69	06/19/2008	(689900)
70	07/14/2008	(689901)

71	10/03/2008	(699560)
72	08/13/2008	(710680)
73	09/19/2008	(710681)
74	10/15/2008	(710682)
75	02/11/2009	(722179)
76	11/14/2008	(727443)
77	01/15/2009	(727444)
78	05/26/2009	(741498)
79	06/19/2009	(748660)
80	08/11/2009	(749538)
81	06/18/2009	(749569)
82	08/06/2009	(749666)
83	02/19/2009	(750201)
84	03/18/2009	(750202)
85	04/20/2009	(750203)
86	12/18/2008	(750204)
87	07/24/2009	(760557)
88	05/20/2009	(768311)
89	02/24/2009	(777396)
90	02/18/2009	(777397)
91	03/19/2010	(780633)
92	01/22/2010	(789251)
93	03/30/2010	(794098)
94	06/18/2010	(794128)
95	08/23/2010	(794237)
96	02/19/2010	(804510)
97	06/24/2009	(804511)
98	07/20/2009	(804512)
99	08/20/2009	(804513)
100	09/18/2009	(804514)
101	10/20/2009	(804515)
102	11/19/2009	(804516)
103	12/18/2009	(804517)
104	01/20/2010	(804518)
105	03/17/2010	(830828)
106	04/20/2010	(830829)
107	05/20/2010	(830830)
108	07/28/2010	(841509)
109	06/17/2010	(846250)
110	12/06/2010	(857846)
111	03/07/2011	(860327)
112	07/20/2010	(860845)
113	07/22/2010	(863284)
114	08/20/2010	(866811)
115	08/23/2010	(869781)
116	11/13/2010	(871501)
117	09/17/2010	(873883)
118	09/20/2010	(876719)
119	10/19/2010	(881484)
120	10/25/2010	(884245)
121	10/04/2010	(890614)

122 02/18/2011 (895584)
123 12/14/2010 (896218)
124 01/18/2011 (902287)
125 01/24/2011 (904866)

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

Date: 05/10/2006 (461813) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit No. 31936 PERMIT
Description: BP failed to install a valve properly.

Date: 11/22/2006 (514027) CN600126775 Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(5)
Description: Purchased Water
Failure to secure a contract which specifies a maximum hourly purchase rate for systems which purchase water under direct pressure.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Operating Practices for Public Water Systems
Failure to operate a non-transient, non-community water system, such as yours, under the direct supervision of a licensed water works operator.

Date: 08/03/2007 (563702) CN600126775 Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 1176, Special Condition No. 1 PERMIT
Description: BP failed to meet the affirmative defense.

Date: 12/20/2007 (597461) CN600126775 Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(H)
Description: BP failed to include on the final report all individually listed compounds were known to have been released during the emissions event.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)
Description: BP failed to identify on the final report the authorization number of the permit governing the facilities involved in the emissions event.

Date: 04/08/2008 (638876) CN600126775 Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
TCEQ Air Flexible Permit No. 1176, SC #1 PA
Description: BP failed to prevent the compressor trip that caused this emissions event.

Date: 04/10/2008 (670508) CN600126775 Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 09/02/2008 (681760) CN600126775 Classification: Moderate
Self Report? NO
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 Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 17E PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT

Description: Failure to seal open-ended lines containing volatile organic compounds
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 4A PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT

Description: Failure to maintain flare operations at or above 300 Btu/scf limit
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 SC4A PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT

Description: Failure to maintain flare operations at or above 300 Btu/scf limit
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
 5C THSC Chapter 382 382.085(b)
 SC 20 PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT

Description: Failure to submit the HON semi-annual report within the required time frame
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 17 PERMIT
 ST&C 1A PERMIT

Description: Failure to submit the MECT report within the required time frame
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A PERMIT

Description: Failure to submit the final emissions report to the TCEQ within the required time frame
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A PERMIT

Description: Failure to conduct audio, visual, and olfactory monitoring on the PX1FUGIT unit and PX 2 FUGIT units
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC4D PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT

Description: Failure to maintain continuous monitoring on the flare; flare analyzer out of service

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 12 PERMIT
 ST&C 17 PERMIT
 Description: Failure to maintain annual tank inspection records for IFR tanks TF-2113 and TF-2118

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A PERMIT
 Description: Failure to conduct the fire water test during the restricted operating hours of 6 am and noon

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A PERMIT
 Description: Failure to log hours of operation for the fire water pump (P 1302)

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 Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 6E PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT
 Description: Failure to seal open-ended lines/valves

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 Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 17 PERMIT
 ST&C 1A PERMIT
 Description: Failure to seal 1 open-ended line on PX-2-FUGIT

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 4A PERMIT
 ST&C 17 PERMIT
 ST&C 1A PERMIT
 Description: Failure to maintain flare FL-601 operating at or above 300 Btu/scf limit

Date: 02/12/2009 (722179)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.345(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9C PERMIT
 Description: Failure to submit test results within 60 days of test date for PX unit H-101 Heater RATA.

Date: 05/26/2009 (741498)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Specifically BP failed to prevent a flange leak on D-203 degassing line.

Date: 04/01/2010 (794098) CN600126775
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to provide written notification of off-permit changes in a timely manner for the replacement of flare PX-1 with flare FL-201 (Category B3).

Date: 07/29/2010 (841509)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
TCEQ Flexible Permit No. 1176, SC #1 PERMIT
Description: BP failed to prevent a spill at Chemical Dock Tank 203.

Date: 02/18/2011 (895584)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
TCEQ Flexible Permit 1176, SC #1 PERMIT
Description: BP failed to maintain a flame on one of their flares. (Category B19(g)(1))
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
TCEQ Flexible Permit 1176, SC #12B PERMIT
Description: BP failed to maintain a flame on their temporary flare. (Category B19(g)(1))

Date: 03/08/2011 (860327)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 17E PA
Special Conditions 1A, 15 OP
Description: Failure to cap/plug open-ended lines in Highly Reactive Volatile Organic Compound (HRVOC), Hazardous Air Pollutant (HAP's) and Volatile Organic Compound (VOC) service. Category C10 violation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to sample two highly reactive volatile organic compound (HRVOC) flare analyzers. Category C1 violation.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to limit carbon monoxide (CO) emissions to 400 ppmv on a 24-hour rolling average. Category B14 violation.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor pumps in Hazardous Air Pollutant (HAP's) service. Category C1 violation.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

5C THSC Chapter 382 382.085(b)
Description: Failure to monitor agitators in Hazardous Air Pollutant (HAP's) service. Category C1 violation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 4A PA
Special Conditions 1A, 15 OP
Description: Failure to demonstrate compliance with a flare net heating value at 300 Btu/Scf. Category B14 violation.

F. Environmental audits.

Notice of Intent Date: 02/23/2006 (458557)
Disclosure Date: 09/01/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)(5)
Description: Failure to tag 28 valves
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781
Description: Failure to include 34 sources in LDAR program.

Notice of Intent Date: 07/06/2006 (487745)
No DOV Associated

Notice of Intent Date: 01/08/2007 (543529)
Disclosure Date: 02/15/2007
Viol. Classification: Moderate
Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.3
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11
Rqmt Prov: PERMIT TPDES 0452
Description: Failure to analyze pH samples from the Chemical Plant Docks Outfalls within 15 minutes of collection on several occasions.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125
Rqmt Prov: PERMIT TPDES WQ0000452-000
Description: Failure to report accurate sampling results for several Discharge Monitoring Reports (DMRs) associated with BP Chemical Outfalls 0001, 002, 003, and 004.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES WQ0000452-000
Description: Failure to collect samples on October 11, 2006 when there was a discharge from Chem Plant Dock Outfalls 001 and 002.

Notice of Intent Date: 01/08/2007 (543530)
No DOV Associated

Notice of Intent Date: 01/08/2007 (543531)
Disclosure Date: 06/29/2007
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT NSR Permit 1176

PERMIT PSD TX-782

Description: Failure to reduce NOx and CO CEMs to hourly average concentrations on a daily basis and to pounds per hour on a weekly basis from the following TCC heaters: BX1-H-101, PX1-H103/104, PX2-H1103/1104, and MX2-H201.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to include violations associated with disclosures in the Title V deviation report or the compliance certification for the applicable time period.

Notice of Intent Date: 01/15/2007 (543525)

No DOV Associated

Notice of Intent Date: 01/15/2007 (543528)

No DOV Associated

Notice of Intent Date: 02/27/2007 (554847)

Disclosure Date: 05/01/2007

Viol. Classification: Major

Citation: 30 TAC Chapter 205, SubChapter A 205.4

Description: Failure to apply for coverage under the Construction Storm Water General Permit for "construction" of the Mowtown and Merville contractor areas. Further, BP did not submit a Notice of Intent to apply for coverage under the MSGP following construction or comply with the terms of the MSGP (TXR05000).

Notice of Intent Date: 05/25/2007 (563636)

No DOV Associated

Notice of Intent Date: 05/31/2007 (571651)

No DOV Associated

Notice of Intent Date: 06/08/2007 (565939)

No DOV Associated

Notice of Intent Date: 08/08/2007 (593459)

No DOV Associated

Notice of Intent Date: 09/10/2007 (596475)

No DOV Associated

Notice of Intent Date: 09/11/2007 (596527)

No DOV Associated

Notice of Intent Date: 09/25/2007 (618192)

No DOV Associated

Notice of Intent Date: 10/05/2007 (618167)

No DOV Associated

Notice of Intent Date: 10/05/2007 (618181)

No DOV Associated

Notice of Intent Date: 02/11/2008 (639342)

No DOV Associated

Notice of Intent Date: 02/13/2008 (639362)

No DOV Associated

Notice of Intent Date: 03/12/2008 (646278)

No DOV Associated

Notice of Intent Date: 03/20/2008 (654992)

No DOV Associated

Notice of Intent Date: 03/31/2008 (646279)

No DOV Associated

Notice of Intent Date: 03/31/2008 (646285)

No DOV Associated

Notice of Intent Date: 03/31/2008 (654975)

No DOV Associated

Notice of Intent Date: 04/15/2008 (654978)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BP AMOCO CHEMICAL
COMPANY
RN102536307**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0461-AIR-E**

I. JURISDICTION AND STIPULATIONS

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 Amoco Chemical Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 2800 Farm-to-Market Road 519 East in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 13, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Three Hundred Fifty-Four Dollars (\$2,354) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid One Thousand Eight Hundred Eighty-Four Dollars (\$1,884) of the administrative penalty and Four Hundred Seventy Dollars (\$470) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare (FL-201) by November 20, 2009, in violation of 30 TEX. ADMIN. CODE §§ 113.120 and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.116(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1513, General Terms and Conditions and Special Terms and Conditions No. 1A, as documented during an investigation conducted from June 16 to June 18, 2010.
2. Failed to report a deviation, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1513, Special Terms and Conditions No. 1A, as documented during an investigation conducted from June 16 to June 18, 2010. Specifically, the failure to determine the net heating value of the gas being combusted at FL-201 by November 20, 2009 was not reported in the semi-annual deviation report for the July 1 through December 31, 2009 reporting period.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BP Amoco Chemical Company, Docket No. 2011-0461-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

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

- i. Conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare, in accordance with 40 CFR § 63.116(a)(2); and
- ii. Implement measures and procedures to ensure that all deviations are reported in the semi-annual deviation reports, in accordance with 30 TEX. ADMIN. CODE § 122.145.

- b. 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 No. 2.a. 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 fines 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:

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

3. 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 Plant operations referenced in this Agreed Order.
4. 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.
5. 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.
6. 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.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

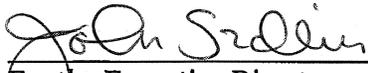
including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 7/21/2011

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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.



Signature

Date 6/7/11

Victor Alvarado
Name (Printed or typed)
Authorized Representative of
BP Amoco Chemical Company

Plant Manager
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.