

**Executive Summary – Enforcement Matter – Case No. 58980**  
**BP Amoco Chemical Company**  
**RN102536307**  
**Docket No. 2020-0304-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

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

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 12, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$23,660

**Amount Deferred for Expedited Settlement:** \$4,732

**Total Paid to General Revenue:** \$18,928

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** November 5, 2019 through November 7, 2019

**Date(s) of NOE(s):** February 14, 2020

**Executive Summary – Enforcement Matter – Case No. 58980**  
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**Docket No. 2020-0304-AIR-E**

***Violation Information***

1. Failed to comply with the maximum allowable emission rates ("MAERs"). Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 1.80 tons per year ("tpy") based on a 12-month rolling period and the carbon monoxide ("CO") MAER of 9.17 tpy based on a 12-month rolling period for the 12-month periods ending from July 2018 through November 2019 for Flare M-302, Emissions Point Number ("EPN") FL-601, resulting in 0.70 ton of unauthorized NOx and 3.48 tons of unauthorized CO [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 31936, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1513 General Terms and Conditions ("GTC") and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report all instances of deviations. Specifically, the deviation report for the July 1, 2018 through December 31, 2018 reporting period did not include the deviation for failing to comply with the NOx and CO annual MAERs for EPN FL-601 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1513, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On January 16, 2020, submitted a revised deviation report for the July 1, 2018 through December 31, 2018 reporting period that included the deviation for failing to comply with the NOx and CO annual MAERs for EPN FL-601; and
- b. By February 6, 2020, set both lower and upper level alarms for British thermal units per square cubic foot on a 60-minute rolling average, set the British thermal units controller to directly manipulate the natural gas valve based on the British thermal units settings, and improved the process for reviewing monthly and annual emissions data against permit limits in order to comply with the NOx and CO MAERs for Flare M-302, EPN FL-601.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 58980**  
**BP Amoco Chemical Company**  
**RN102536307**  
**Docket No. 2020-0304-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division,  
Enforcement Team 4, MC R-12, (713) 422-8912; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** Ollie Niederhofer, Plant Manager, BP Amoco Chemical Company, P.O.  
Box 1688, Texas City, Texas 77592

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	18-Feb-2020	<b>Screening</b>	19-Feb-2020	<b>EPA Due</b>	12-Aug-2020
	<b>PCW</b>	22-Apr-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BP Amoco Chemical Company	
<b>Reg. Ent. Ref. No.</b>	RN102536307	
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b> Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58980	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-0304-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts  \*Capped at the Total EB \$ Amount  
 Estimated Cost of Compliance

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

**PAYABLE PENALTY**

Screening Date 19-Feb-2020

Docket No. 2020-0304-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 4 (April 2014)

Case ID No. 58980

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102536307

Media Air

Enf. Coordinator Amanda Diaz

### Compliance History Worksheet

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

Component	Number of...	Number	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> )	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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> )	0	0%
	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> )	0	0%
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)**

#### >> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, and one order with denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)**

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%**

**Screening Date** 19-Feb-2020  
**Respondent** BP Amoco Chemical Company  
**Case ID No.** 58980

**Docket No.** 2020-0304-AIR-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN102536307

**Media** Air

**Enf. Coordinator** Amanda Diaz

**Violation Number** 1

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 31936, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1513 General Terms and Conditions ("GTC") and Special Terms and Conditions No. 20, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 1.80 tons per year ("tpy") based on a 12-month rolling period and the carbon monoxide ("CO") MAER of 9.17 tpy based on a 12-month rolling period for the 12-month periods ending from July 2018 through November 2019 for Flare M-302, Emissions Point Number ("EPN") FL-601, resulting in 0.70 ton of unauthorized NOx and 3.48 tons of unauthorized CO.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 6 Number of violation days 518

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$22,500

Six quarterly events are recommended for the period of non-compliance from July 1, 2018 through November 30, 2019.

**Good Faith Efforts to Comply**

25.0% Reduction \$5,625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

**Notes**  
 The Respondent completed the corrective actions by February 6, 2020, prior to the Notice of Enforcement ("NOE") dated February 14, 2020.

**Violation Subtotal** \$16,875

**Economic Benefit (EB) for this violation**

Estimated EB Amount \$521

**Statutory Limit Test**

Violation Final Penalty Total \$23,400

**This violation Final Assessed Penalty (adjusted for limits)** \$23,400

# Economic Benefit Worksheet

**Respondent** BP Amoco Chemical Company  
**Case ID No.** 58980  
**Reg. Ent. Reference No.** RN102536307  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
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	\$1,500	1-Jul-2018	6-Feb-2020	1.60	\$120	n/a	\$120
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	1-Jul-2018	6-Feb-2020	1.60	\$401	n/a	\$401

Notes for DELAYED costs

Estimated costs to set both lower and upper level alarms for British thermal units per square cubic foot ("Btu/scf") on a 60-minute rolling average and set the Btu controller to directly manipulate the natural gas valve based on the Btu settings (\$5,000) and to improve the process for reviewing monthly and annual emissions data against permit limits (\$1,500) in order to comply with the NOx and CO annual MAERs for EPN FL-601. The Dates Required are the initial date of non-compliance and the Final Dates are the dates of compliance.

**Avoided Costs**

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$6,500

TOTAL \$521

**Screening Date** 19-Feb-2020  
**Respondent** BP Amoco Chemical Company  
**Case ID No.** 58980  
**Reg. Ent. Reference No.** RN102536307  
**Media** Air

**Docket No.** 2020-0304-AIR-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Enf. Coordinator** Amanda Diaz  
**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1513, GTC, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to report all instances of deviations. Specifically, the deviation report for the July 1, 2018 through December 31, 2018 reporting period did not include the deviation for failing to comply with the NOx and CO annual MAERs for EPN FL-601.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

**Matrix Notes** Less than 30% of the rule requirement was not met.

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1      351 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply**

25.0%

Reduction \$62

Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

**Notes** The Respondent completed the corrective actions on January 16, 2020, prior to the NOE dated February 14, 2020.

**Violation Subtotal** \$188

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$12

**Violation Final Penalty Total** \$261

**This violation Final Assessed Penalty (adjusted for limits)** \$261



# Economic Benefit Worksheet

**Respondent** BP Amoco Chemical Company  
**Case ID No.** 58980  
**Reg. Ent. Reference No.** RN102536307  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
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)	\$250	30-Jan-2019	16-Jan-2020	0.96	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the July 1, 2018 through December 31, 2018 reporting period that included the deviation for failing to comply with the NOx and CO annual MAERs for EPN FL-601. The Date Required is the date the deviation should have been reported and the Final Date is the date of compliance.

**Avoided Costs** **ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$250	<b>TOTAL</b>	\$12
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# Compliance History Report

Compliance History Report for CN600126775, RN102536307, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600126775, BP Amoco Chemical Company	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	1.64
<b>Regulated Entity:</b>	RN102536307, BP AMOCO TEXAS CITY CHEMICAL PLANT DOCKS	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.26
<b>Complexity Points:</b>	29	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	2800 FM 519 RD E, TEXAS CITY, GALVESTON COUNTY, TX 77590				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**POLLUTION PREVENTION PLANNING ID NUMBER**  
P00030  
**STORMWATER EPA ID** TX0004766  
**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**  
TXD005942438  
**AIR NEW SOURCE PERMITS PERMIT** 31936  
**AIR NEW SOURCE PERMITS PERMIT** 47273  
**AIR NEW SOURCE PERMITS PERMIT** 1176  
**AIR NEW SOURCE PERMITS REGISTRATION** 10070  
**AIR NEW SOURCE PERMITS REGISTRATION** 11987  
**AIR NEW SOURCE PERMITS REGISTRATION** 12225  
**AIR NEW SOURCE PERMITS REGISTRATION** 145647  
**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX619  
**AIR NEW SOURCE PERMITS AFS NUM** 4816700002  
**AIR NEW SOURCE PERMITS REGISTRATION** 89999  
**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX984  
**AIR NEW SOURCE PERMITS REGISTRATION** 81500  
**AIR NEW SOURCE PERMITS REGISTRATION** 83658  
**AIR NEW SOURCE PERMITS REGISTRATION** 89998  
**AIR NEW SOURCE PERMITS REGISTRATION** 93791  
**AIR NEW SOURCE PERMITS REGISTRATION** 95577  
**AIR NEW SOURCE PERMITS REGISTRATION** 101829  
**AIR NEW SOURCE PERMITS REGISTRATION** 105776  
**AIR NEW SOURCE PERMITS REGISTRATION** 139319  
**AIR NEW SOURCE PERMITS REGISTRATION** 109216  
**AIR NEW SOURCE PERMITS REGISTRATION** 147242  
**AIR NEW SOURCE PERMITS REGISTRATION** 148946  
**AIR NEW SOURCE PERMITS REGISTRATION** 149766  
**AIR NEW SOURCE PERMITS REGISTRATION** 159609  
**AIR NEW SOURCE PERMITS PERMIT** 156787  
**AIR NEW SOURCE PERMITS REGISTRATION** 156001  
**AIR OPERATING PERMITS ACCOUNT NUMBER** GB0001R  
**WASTEWATER LICENSING LICENSE** WQ0000452000  
  
**WASTEWATER PERMIT** TXG670297

**STORMWATER PERMIT** WQ0000452000  
  
**STORMWATER PERMIT** TXR05DY94  
**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR)** 30373  
**AIR NEW SOURCE PERMITS REGISTRATION** 47876  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** GB0001R  
**AIR NEW SOURCE PERMITS PERMIT** 6841  
**AIR NEW SOURCE PERMITS REGISTRATION** 11911  
**AIR NEW SOURCE PERMITS REGISTRATION** 12181  
**AIR NEW SOURCE PERMITS REGISTRATION** 71903  
**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX459  
**AIR NEW SOURCE PERMITS REGISTRATION** 88401  
**AIR NEW SOURCE PERMITS REGISTRATION** 90000  
**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX459M2  
**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX782  
**AIR NEW SOURCE PERMITS REGISTRATION** 83420  
**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX782M1  
**AIR NEW SOURCE PERMITS REGISTRATION** 92266  
**AIR NEW SOURCE PERMITS REGISTRATION** 95240  
**AIR NEW SOURCE PERMITS REGISTRATION** 96232  
**AIR NEW SOURCE PERMITS REGISTRATION** 130871  
**AIR NEW SOURCE PERMITS REGISTRATION** 114627  
**AIR NEW SOURCE PERMITS REGISTRATION** 118365  
**AIR NEW SOURCE PERMITS REGISTRATION** 150150  
**AIR NEW SOURCE PERMITS REGISTRATION** 146684  
**AIR NEW SOURCE PERMITS REGISTRATION** 149067  
**AIR NEW SOURCE PERMITS REGISTRATION** 150290  
**AIR NEW SOURCE PERMITS REGISTRATION** 155479  
**AIR NEW SOURCE PERMITS REGISTRATION** 159263  
**AIR NEW SOURCE PERMITS REGISTRATION** 156003  
**AIR OPERATING PERMITS PERMIT** 1513  
**IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR)** 30373  
**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** GB0001R

**Compliance History Period:** September 01, 2014 to August 31, 2019      **Rating Year:** 2019      **Rating Date:** 09/01/2019  
**Date Compliance History Report Prepared:** February 18, 2020  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** February 18, 2015 to February 18, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

Name: Carol McGrath

Phone: (210) 403-4063

**Site and Owner/Operator History:**

- 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

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

1 Effective Date: 01/15/2019 ADMINORDER 2018-0628-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1176, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 79.5 pounds of benzene as fugitive emissions during an avoidable emissions event (Incident No. 248803) that began on December 15, 2016 and lasted 15 minutes. The emissions event occurred due to a leak from a corroded tube in a heat exchanger located in the Paraxylene No. 1 Unit, resulting in a release to the atmosphere.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	March 12, 2015	(1230491)
Item 2	March 16, 2015	(1248592)
Item 3	April 16, 2015	(1255492)
Item 4	May 19, 2015	(1262202)
Item 5	June 18, 2015	(1269371)
Item 6	July 12, 2015	(1276917)
Item 7	August 13, 2015	(1286115)
Item 8	August 14, 2015	(1283094)
Item 9	September 17, 2015	(1290234)
Item 10	October 09, 2015	(1296437)
Item 11	November 16, 2015	(1301890)
Item 12	December 14, 2015	(1308818)
Item 13	January 12, 2016	(1315602)
Item 14	February 04, 2016	(1296188)
Item 15	February 25, 2016	(1324994)
Item 16	March 09, 2016	(1331723)
Item 17	April 12, 2016	(1338886)
Item 18	June 15, 2016	(1352127)
Item 19	July 18, 2016	(1359102)
Item 20	August 15, 2016	(1365526)
Item 21	September 13, 2016	(1372227)
Item 22	October 05, 2016	(1378404)
Item 23	November 09, 2016	(1384363)
Item 24	December 14, 2016	(1390500)
Item 25	January 04, 2017	(1397117)
Item 26	January 31, 2017	(1381867)
Item 27	February 07, 2017	(1404001)
Item 28	March 10, 2017	(1411102)
Item 29	April 10, 2017	(1417605)
Item 30	May 10, 2017	(1425194)
Item 31	June 13, 2017	(1431197)
Item 32	July 05, 2017	(1439806)

Item 33	August 09, 2017	(1443494)
Item 34	September 08, 2017	(1435314)
Item 35	October 04, 2017	(1455941)
Item 36	November 07, 2017	(1461422)
Item 37	December 12, 2017	(1467801)
Item 38	January 04, 2018	(1474506)
Item 39	February 06, 2018	(1486732)
Item 40	March 06, 2018	(1490409)
Item 41	April 13, 2018	(1493646)
Item 42	May 08, 2018	(1500564)
Item 43	June 11, 2018	(1507681)
Item 44	July 09, 2018	(1513998)
Item 45	August 14, 2018	(1520060)
Item 46	August 29, 2018	(1466250)
Item 47	September 11, 2018	(1527225)
Item 48	October 15, 2018	(1533583)
Item 49	November 15, 2018	(1541418)
Item 50	December 06, 2018	(1545202)
Item 51	January 15, 2019	(1568926)
Item 52	February 11, 2019	(1559579)
Item 53	March 11, 2019	(1559580)
Item 54	April 10, 2019	(1571799)
Item 55	April 15, 2019	(1555576)
Item 56	April 25, 2019	(1550349)
Item 57	May 09, 2019	(1583207)
Item 58	June 12, 2019	(1583208)
Item 59	August 02, 2019	(1580875)
Item 60	August 07, 2019	(1599458)
Item 61	September 11, 2019	(1606363)
Item 62	October 10, 2019	(1613209)
Item 63	November 12, 2019	(1619023)
Item 64	December 10, 2019	(1626375)
Item 65	February 11, 2020	(1623391)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 06/30/2019 (1593112)  
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
  
- 2 Date: 02/14/2020 (1592335)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 20 OP  
NSR Special Condition (SC) 13 PERMIT  
Description: Failure to submit an annual summary of the emissions inventory on time.  
(Category C3)  
Self Report? NO Classification: Minor  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit quarterly Benzene Waste Operations Notification (BWON) on  
time. (Category C3)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
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)  
5C THSC Chapter 382 382.085(b)

FOP Special Term & Condition (ST&C) 1A OP  
 FOP Special Term & Condition (ST&C) 20 OP  
 NSR Special Condition (SC) 4A PERMIT  
 Description: Failure to maintain PX2 flare (EPN: FL-401) heating value above 300 btu/scf.  
 (Category B18g1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 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)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition (ST&C) 1A OP  
 FOP Special Term & Condition (ST&C) 20 OP  
 NSR Special Condition (SC) 4A PERMIT  
 Description: Failure to maintain PX1 flare (EPN: FL-201) heating value above 300 btu/scf.  
 (Category B18g1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition (ST&C) 1A OP  
 Description: Failure to maintain CO emissions from heater H-1101 (EPN: HF-451) below 400  
 ppm. (Category B13)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition (ST&C) 20 OP  
 NSR Special Condition (SC) 6G PERMIT  
 Description: Failure to conduct loading/unloading without spills at PX-2 tank (EPN: F-1111).  
 (Category B13)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition (ST&C) 1A OP  
 Description: Failure to take a sample after eight consecutive hours of HRVOC analyzer  
 downtime for PX1 flare (EPN: FL-201). (Category C1)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP Special Term & Condition (ST&C) 1A OP  
 Description: Failure to take a sample after eight consecutive hours of HRVOC analyzer  
 downtime for PX2 flare (EPN: FL-401). (Category C1)  
 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 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)  
 FOP Special Term & Condition (ST&C) 1A OP  
 FOP Special Term & Condition (ST&C) 20 OP  
 NSR Special Condition (SC) 17E PERMIT  
 Description: Failure to prevent an open-ended line (OEL). (Category C10)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.721(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSG Chapter 382 382.085(b)  
 FOP Special Term & Condition (ST&C) 20 OP  
 NSR Special Condition (SC) 6F PERMIT  
 Description: Failure to maintain tank (EPN: TK202) throughput within the maximum allowable  
 limit. (Category C4)

3 Date: 02/18/2020 (1623044)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: The facility failed to update the Notice of Registration (NOR).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)  
Description: The facility failed to submit complete and correct waste manifests.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
Description: The facility failed to provide a complete and correct Annual Waste Summary  
(AWS) report for 2016.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42(a)(2)  
Description: The facility failed to submit an exception report.

**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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
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§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2020-0304-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, 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 together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2800 Farm-to-Market Road 519 East in Texas City, Galveston County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$23,660 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,928 of the penalty and \$4,732 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.

6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. On January 16, 2020, submitted a revised deviation report for the July 1, 2018 through December 31, 2018 reporting period that included the deviation for failing to comply with the nitrogen oxides ("NOx") and carbon monoxide ("CO") annual maximum allowable emission rates ("MAERs") for emissions point number ("EPN") FL-601; and
  - b. By February 6, 2020, set both lower and upper level alarms for British thermal units per square cubic foot ("Btu/scf") on a 60-minute rolling average, set the Btu controller to directly manipulate the natural gas valve based on the Btu settings, and improved the process for reviewing monthly and annual emissions data against permit limits in order to comply with the NOx and CO MAERs for Flare M-302, EPN FL-601.

## II. ALLEGATIONS

During an investigation conducted from November 5, 2019 through November 7, 2019, an investigator documented that the Respondent:

1. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 31936, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1513 General Terms and Conditions ("GTC") and Special Terms and Conditions No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 1.80 tons per year ("tpy") based on a 12-month rolling period and the CO MAER of 9.17 tpy based on a 12-month rolling period for the 12-month periods ending from July 2018 through November 2019 for Flare M-302, EPN FL-601, resulting in 0.70 ton of unauthorized NOx and 3.48 tons of unauthorized CO.
2. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1513, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the July 1, 2018 through December



31, 2018 reporting period did not include the deviation for failing to comply with the NOx and CO annual MAERs for EPN FL-601.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BP Amoco Chemical Company, Docket No. 2020-0304-AIR-E" to:

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

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.
5. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

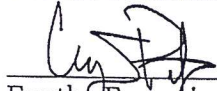
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date



\_\_\_\_\_  
06/09/2021

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

\_\_\_\_\_  
*Oliver Niederhofer*

Signature

\_\_\_\_\_  
11 Jan 2021

Date

\_\_\_\_\_  
Oliver Niederhofer

\_\_\_\_\_  
Plant Manager

Title

Name (Printed or typed)

Authorized Representative of  
BP Amoco Chemical Company

*If mailing address has changed, please check this box and provide the new address below:*

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