UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

September 16, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7008 0150 0003 0411 5474

Mr. Danny White
Compliance Contact
BP Refinery
P.O. Box 568
Texas City, TX 77592

Re: Clean Air Act Section 114 Information Request
BP Refinery, Texas City, Texas

Dear Mr. White:

Enclosed is an Information Request (Request) issued to BP Refinery under the authority of Section 114 of the Clean Air Act (CAA). The purpose of this Request is to obtain information regarding the fire that occurred on April 6, 2010, at the hydrogen compressor at the above referenced facility. As a result of the fire, gases were re-routed to the flares until BP Refinery restarted the hydrogen compressor on May 16, 2010. The Request is for information related to the fire that caused the April 6, 2010, to May 16, 2010, flaring event. The information will be used to determine whether BP Refinery in Texas City, Texas is in compliance with the provisions of the CAA.

Please provide the information requested within thirty (30) working days of your receipt of this letter to Mr. Guadalupe Pesina, at the above address. If you have any questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Mr. Pesina, enforcement officer, at (214) 665-8375.

Sincerely,

For John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Michael de la Cruz, Manager
Air Enforcement Section (MC 149)
Texas Commission on Environmental Quality

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INFORMATION REQUEST
BP REFINERY, TEXAS CITY

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this Information Request (Request) to BP Refinery pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6. This Request pertains to the BP Refinery located in Texas City, Texas.

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. §1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

You must submit all information under an authorized signature with the following certification:

> I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the CAA, and 18 U.S.C. §§ 1001 and 1341.

We may use any information submitted in response to this Request in an administrative, civil, or criminal action.

This Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

All information responsive to this Request should be sent to the following:

Mr. Guadalupe Pesina
Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA – Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds. Please submit all information for each question in a logically sequenced, bound format.

3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.

4. For each question, identify each person responding to any question contained in this Request on your behalf, as well as each person consulted in the preparation of a response.

5. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Request the number of the question to which it corresponds.

6. Failure to submit requested information in accordance with statutory or regulatory requirements constitutes a violation of the CAA. As such, EPA has the authority under Section 113 of the Act to pursue civil penalties for violations of the Section 112(r)(7) Risk Management Plan (RMP) regulations found at 40 CFR 68.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photo stat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

2. The term BP Refinery includes any officer, director, agent, or employee of BP Refinery, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

3. The terms "person" or "persons" shall have the meaning set forth in Section 302 (e) of the CAA, 42 U.S.C. § 7602 (e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.

4. The terms "you" or "yours," as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.

5. All terms used in this Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 et seq., the implementing regulations, and 40 C.F.R. Part 68.

6. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

III. QUESTIONS

BP Refinery shall submit the following information about its Facility located in Texas City, Texas within thirty (30) working days:

1. Did the owner or operator investigate the fire that occurred on April 6, 2010 (Incident), which resulted in or could have reasonably resulted in a catastrophic release of a regulated substance?

2. Was an incident investigation team initiated as promptly as possible for the Incident? (no later than 48 hours following the incident)

3. Was an incident investigation team established for the Incident and did it consist of at least one person knowledgeable in the process involved, including contract employees if this incident involved work of a contractor or other persons with appropriate knowledge and experience to thoroughly investigate and analyze this incident? Please provide supporting documentation.

4. Please provide a copy of the Incident Investigation Report for the Incident.

5. Did the owner or operator establish a system to promptly address and resolve the incident report findings and recommendations for the Incident? Were these resolutions and corrective actions documented? Please provide supporting documentation.

6. Was the report reviewed with all affected personnel, whose job tasks are relevant to the incident findings, including contract employees where applicable?

7. Please provide the following information for the Incident:

   a. Date of incident
   b. Date investigation began
   c. Description of the incident
   d. Factors that contributed to the incident
   e. Recommendation resulting from investigation