

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

FILED
FEB -7 PM 2:11
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

BP EXPLORATION &
PRODUCTION, INC.

Respondent

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CONSENT AGREEMENT FINAL ORDER
USEPA Docket No. RCRA-06-2017-0905

CONSENT AGREEMENT AND FINAL ORDER

I.
PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order (“CAFO”) is entered into by the United States Environmental Protection Agency, Region 6 (“EPA” or “Complainant”) and Respondent, BP Exploration & Production, Inc., (“BP” or “Respondent”) and concerns seven facilities. The facilities that are covered by this CAFO (the “Facilities”) are:

- A. Thunder Horse- The Mississippi Canyon 778;
- B. Na Kika- Mississippi Canyon 474;
- C. Mad Dog- Green Canyon 782;
- D. Horn Mountain – Mississippi Canyon 127;
- E. Atlantis- Green Canyon 787;
- F. DD II – Green Canyon 787; and
- G. Enterprise – Mississippi Canyon 777.

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2. Notice of the commencement of this action has been given to the states of Texas and Louisiana, under Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).¹

3. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and alleged violations contained in this CAFO.

4. Respondent explicitly waives its right to appeal the proposed final order contained in this CAFO.

5. This CAFO resolves those violations which are alleged herein.

6. This CAFO covers the violations alleged herein from the period of 2011 through 2015 and the period set forth in Section V, Compliance Order, Paragraph 86.

7. Respondent consents to the issuance of the CAFO hereinafter recited, consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and consents to the specific stated compliance order as set forth in Section V, Compliance Order, Paragraph 86.

¹ Texas and Louisiana have no jurisdiction. This Paragraph and footnote are included to be responsive.

II.
JURISDICTION

8. This CAFO is issued by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

9. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by the EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of the EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

III.
STATUTORY AND REGULATORY BACKGROUND

10. Federal regulation of hazardous waste is primarily based on RCRA, enacted on October 21, 1976 to amend the Solid Waste Disposal Act, and the Hazardous and Solid Waste Amendments (“HSWA”) enacted by Congress in 1984 to further amend the Solid Waste Disposal Act. RCRA establishes a “cradle-to-grave” program to be administered by the Administrator of EPA and authorized states for regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. See 42 U.S.C. § 6901 *et seq.*

11. RCRA’s Subchapter III (RCRA §§ 3001-3023, 42 U.S.C. §§ 6921-6940, known as “Subtitle C”) required EPA to promulgate regulations establishing performance standards applicable to facilities that generate, transport, treat, store, or dispose of hazardous wastes. Together, RCRA

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Subtitle C and its implementing regulations, set forth at 40 C.F.R. Parts 260 – 279, comprise EPA's RCRA hazardous waste program.

12. Pursuant to its authority under RCRA, EPA has promulgated regulations at 40 C.F.R. Parts 260 through 272 applicable to generators, transporters, and treatment, storage, and disposal facilities. These regulations generally prohibit treatment, storage, and disposal of hazardous waste without a permit or equivalent "interim status." They prohibit land disposal of certain hazardous wastes, and provide detailed requirements governing the activities of those who generate hazardous waste and those who are lawfully permitted to store, treat, and dispose of hazardous waste.

13. Pursuant to 40 C.F.R. § 261.2, a "solid waste" is any discarded material that is not otherwise excluded under 40 C.F.R. § 261.4(a), or that is not excluded by variance. A discarded material is any material which is abandoned, recycled, inherently waste-like, or a military munitions. Materials are solid waste, as defined in 40 C.F.R. § 261.2, if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned by being disposed of, burned, or incinerated.

14. A solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), and it exhibits any of the characteristics of hazardous waste identified in 40 C.F.R. Part 261, Subpart C or it is listed in C.F.R. Part 261, Subpart D.

15. Characteristic hazardous wastes are assigned "D" codes in 40 C.F.R. Part 261, Subpart C, depending on the specific hazardous characteristic that the waste exhibits.

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16. An ignitable hazardous waste has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit) and is assigned the D001 hazardous waste code pursuant to 40 C.F.R. § 261.21.

17. A corrosive hazardous waste has a pH of less than or equal to 2.0 or greater than or equal to 12.5 and is assigned the D002 hazardous waste code pursuant to 40 C.F.R. § 261.22.

18. Listed waste are assigned with "F", "K", "P", and "U" codes in 40 C.F.R. Part 261, Subpart D, depending on the specific waste generated from a non-specific source, a specific source, or discarded commercial chemical products, off-specification species, container residues and spill residues therefrom.

19. 40 C.F.R. Parts 264 and/or 265 applies to owners and operators of facilities that treat, store and/or dispose of hazardous waste.

20. The relevant RCRA statutory and regulatory requirements to this CAFO require that generators of solid waste and hazardous waste must, among other things:

- A. Determine whether their generated solid wastes are hazardous, pursuant to 40 C.F.R. § 262.11;
- B. Comply with the statutory notification requirements of Section 3010 of RCRA, 42 U.S.C. § 6930;
- C. Comply with the manifest requirements, pursuant to 40 C.F.R. § 262.20;
- D. Determine its generator status; and meet the exemption conditions set forth at 40 C.F.R. § 262.34 or comply with the specific requirements set forth at 40 C.F.R. § 270.10.

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IV.
FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

21. BP was incorporated in the state of Delaware, on June 10, 1996.
22. Respondent, BP is the “owner” and “operator”, of the Facilities at all times relevant to this CAFO and within the meaning of 40 C.F.R. § 260.10.
23. Respondent is a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. § 260.10.
24. The primary operation at the Facilities is the exploration, development, and/or the production of petroleum and natural gas.
25. During the period of August 2014 through August 2015, EPA conducted a RCRA investigation and record review of BP activities as a generator of hazardous waste, in addition to issuing a RCRA information request dated September 22, 2015 (“Investigation”).
26. On January 27, 2016, BP provided EPA with a response to the RCRA 3007 information request.
27. From the Investigation, EPA concluded that in general BP generates “solid waste” within the meaning of 40 C.F.R. § 261.2, from the Facilities.
28. The exclusion set forth at 40 C.F.R. § 261.4(b)(5) for drilling fluids, produced waters and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy is not applicable to the hazardous waste streams generated at each of the Facilities and are relevant to this CAFO.

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29. From the Investigation, EPA concluded that BP generates “hazardous waste” within the meaning of 40 C.F.R. Part 261, Subpart C and D, from the Facilities.

30. The Facilities listed in Paragraph are each a “facility” within the meaning of 40 C.F.R. § 260.10.

31. For the Facilities listed in Paragraph 1 of this CAFO, BP is a “generator” of “hazardous waste” as those terms are defined in 40 C.F.R. § 260.10.

32. As a generator of hazardous waste at or from the Facilities, BP is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at 40 C.F.R. Part 262 and 270.

THUNDER HORSE-THE MISSISSIPPI CANYON778

33. BP began its operations at the Mississippi Canyon location, on January 16, 2005, and continued its operations for all relevant periods of this CAFO.

34. This offshore facility is located 68.6 miles offshore with latitude N28° 11' 26.70” and longitude W88° 29' 44.50”.

35. On or about July 18, 2005, the EPA, Region 6 issued the EPA ID F4X982310252.

36. On or about March 1, 2012, Respondent submitted information, as a component of hazardous waste report, and identified its Mississippi Canyon/Thunder Horse location as a small quantity generator (“SQG”) of 100 to 1000 kg/month (220 to 2220lbs/month), including some or all of the following hazardous waste codes: D001; D002; D005; D018; D035; D039; F003 and F005.

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37. From the Investigation of Respondent's operation at its Mississippi Canyon/Thunder Horse location, EPA discovered that during the period of 2011 through 2015 Respondent generated the following hazardous waste streams: D001; D002; D005; D006; D008; D0035; F003; F005; and U239.

38. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2013 and 2014, Respondent generated respectively 60,000 kg and 15,100 kg of hazardous waste at this location and operated as a large quantity generator ("LQG"), triggering the LQG requirements.

39. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2012 and 2015, Respondent generated respectively 7,300 kg and 6,200 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

NA KIKA-MISSISSIPPI CANYON474

40. BP began its operations at the Na Kika-Mississippi Canyon474 location on January 26, 2003, and continued its operations for all periods relevant to this CAFO.

41. This facility is located 61.4 miles offshore at latitude N28° 31' 01" and longitude W88° 17' 53".

42. On or about August 24, 2005, the EPA, Region 6 issued the EPA ID F4X982310302.

43. From the Investigation of Respondent's operation at its Na Kika-Mississippi Canyon474 location, EPA discovered that during the period of 2012 through 2015 Respondent generated the following hazardous waste streams: D001; D005; D006; D008; D010; D018; D035; F003; F005; U154; and U239.

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44. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2012, 2013, 2014, and 2015, Respondent respectively generated 40,000 kg; 27,000 kg, 45,000 kg, and 7,954 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

MAD DOG -GREEN CANYON782

45. BP began its operations at the Mad Dog-Green Canyon782 location on January 01, 2003 and continued its operations for all periods relevant to this CAFO. This offshore facility is located 129.3 miles offshore with latitude N28° 58' 22.92" and longitude W88° 37' 33.55".

46. On or about June 28, 2005, the EPA, Region 6 issued the EPA ID F4X982310237.

47. On or about February 28, 2012, Respondent submitted information, as a component of hazardous waste report, and identified its Mad Dog-Green Canyon782 location as CESQG of less than 100 kg/month (220lbs/month) of D001 hazardous waste.

48. From the Investigation of Respondent's operation at its Green Canyon782 location, EPA discovered that during the period of 2012 through 2015 Respondent generated the following hazardous waste streams: D001; D002; D005; D006; D008; D018; D035; D039; D040; F003; and F005.

49. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2014 and 2015, Respondent respectively generated 17,309 kg and 14,000 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

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50. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2012 and 2013, Respondent respectively generated 4,000 kg and 1,800 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

HORN MOUNTAIN- MISSISSIPPI CANYON127

51. BP began its operations at the Horn Mountain- Mississippi Canyon127 location on November 21, 2002 and continued its operations for all periods relevant to this CAFO. This offshore facility is located 58.2 miles offshore with latitude N28° 52' 28.32" and longitude W88° 05' 53.52".

52. On or about June 6, 2005, the EPA, Region 6 issued the EPA ID F4X982310229.

53. From the Investigation of Respondent's operation at its Horn Mountain-Mississippi Canyon127 location, EPA discovered that during the period of 2012 through 2013 Respondent generated the following hazardous waste streams: D001; D005; D008; D018; D035; F003; and F005.

54. From a review of the TSD data EPA determined that at a minimum, during 2012 and 2013, Respondent generated greater than 1,200 kg of hazardous waste for each year at this location operated as a SQG, triggering the SQG requirements.

ATLANTIS- GREEN CANYON787

55. BP began its operations at the Atlantis-Green Canyon787 location on October 6, 2007, and continued its operations for all periods relevant to this CAFO. This offshore facility is located 125 miles offshore with latitude N27° 11' 68" and longitude W90° 01' 54".

56. On or about March 8, 2006, the EPA, Region 6 issued the EPA ID F4X982310369.

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57. From the Investigation of Respondent's operation at its Atlantis-Green Canyon787 location, EPA discovered that during the period of 2012 through 2015 Respondent generated the following hazardous waste streams: D001; D002; D006; D018; F003; and F005.

58. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2013 and 2014, Respondent respectively generated 15,000 kg and 31,000 kg of hazardous and operated as a LQG, triggering the LQG requirements.

59. From the review of the manifest and TSD data, EPA determined that at a minimum, during 2012 and 2015, Respondent respectively generated 6,300 kg and 9,100 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

DD II-GREEN CANYON787

60. BP began its operations at the DD II-Green Canyon743 location on March 21, 2006, and continued its operations for all periods relevant to this CAFO. This offshore facility is located 119.4 miles offshore, with latitude N28° 13' 2" and longitude W88° 31' 0".

61. On or about February 25, 2010, the EPA, Region 6 issued the EPA ID F4X982310426.

62. From the Investigation of Respondent's operation at its DDII-Green Canyon787 location, EPA discovered that during the period of 2012 through 2013 Respondent generated the following hazardous waste streams: D001; D002; D007; and D011.

63. From a review of the TSD data EPA determined that at a minimum, during 2012 Respondent generated 6,681 kg of hazardous waste at this location and operated as a LQG, triggering the LQG requirements.

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ENTERPRISE-MISSISSIPPI CAYNON 777

64. BP began its operations at the Enterprise-Mississippi Caynon777 location in or around December 2008, and continued its operations for all periods relevant to this CAFO. This offshore facility is located 65 miles offshore, with latitude N28° 13' 2" and longitude W88° 31' 0".

65. On or about July 22, 2009, the EPA, Region 6 issued the EPA ID F4X982310427.

66. From the Investigation of Respondent's operation at its Enterprise-Mississippi Caynon777 location, EPA discovered that during 2012 Respondent generated the following hazardous waste streams: D001; D002; D007; and D011.

67. From a review of the TSD and the manifest data EPA determined that at a minimum, during 2012 Respondent generated 1,829 kg of hazardous waste at this location and operated as a SQG, triggering the SQG requirements.

V.
CLAIMS FOR RELIEF

First Claim for Relief

(Failure to submit RCRA 3010 Notification(s) for the Facilities)

68. The allegations in Paragraphs 1-67 are realleged and incorporated herein by reference.

69. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with the Administrator a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person.

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70. During the Investigation, EPA determined that for the periods relevant to this CAFO, BP did not file with the Administrator a notification of hazardous waste activities for the Facilities; Respondent did not describe all its waste activities, including location and general description of such activity and the identified or listed hazardous wastes generated and managed at the Facilities.

71. Respondent has violated Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), for its failure to file the required notification(s) for its Facilities.

Second Claim for Relief

(Failure to comply with the applicable generator requirements)

72. The allegations in Paragraphs 1-71 are realleged and incorporated herein by reference.

73. For several instances during the period of 2011 through 2014, EPA determined that for the period such hazardous waste remained onsite, BP operated as a SQG in some instances and as a LQG in other instances.

74. Specifically, BP operated at the following facilities as a LQG: (i) Thunder Horse Mississippi Canyon778; (ii) Na Kika-Mississippi Canyon474; (iii) Mad Dog-Green Canyon782; (iv) Atlantis-Green Canyon787; and (v) DDII-Green Canyon426. Further, BP operated as a SQG at Enterprise-Mississippi Canyon427, and at various times operated Thunder Horse, Mad Dog-Green Canyon and Atlantis as a SQG.

75. From the Investigation and a review of BP Response, EPA determined that BP's contingency plans and emergency procedures for the Facilities were inadequate and did not comply with the requirements of 40 C.F.R. §§ 262.34(a)(4) and (d)(4), which respectively requires that BP complies with the requirement 40 C.F.R. Part 265 Subparts C and D.

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76. For the periods that BP operated as a LQG and/or SQG at the Facilities and for the years identified in Paragraphs 38, 39, 44, 49, 50, 58, 59, 63, and 67, BP failed to fully or adequately meet the exemption conditions set forth at 40 C.F.R. §§ 262.34(a)(4) and (d)(4), which incorporates by reference 40 C.F.R. Part 262 Subparts C and D, and therefore violated 40 C.F.R. §§ 270.1 and 270.10.

Third Claim for Relief

(Failure to comply with the biennial reporting requirements)

77. The allegations in Paragraphs 1-76 are realleged and incorporated herein by reference.

78. Pursuant to 40 C.F.R. § 262.41(a), a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a Biennial Report to EPA's Regional Administrator, by March 1 of each even-numbered year.

79. At all times relevant to this CAFO, the EPA did not receive the requisite number of Biennial Reports for the following facilities: (i) Thunder Horse-Mississippi Canyon⁷⁷⁸; (ii) Na Kika-Mississippi Canyon⁴⁷⁴; and (iii) Atlantis-Green Caynon⁷⁸⁷.

80. Respondent did not submit the requisite numbers of biennial reports for all the odd years listed in Paragraphs 38, 44, and 58 in violation of 40 C.F.R. § 262.41.

Fourth Claim for Relief

(Failure to comply with the manifest requirements)

81. The allegations in Paragraphs 1-80 are realleged and incorporated herein by reference.

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82. Pursuant to 40 C.F.R. § 262.20(a)(1), a generator shall not offer its hazardous waste for shipment unless it prepares a standard manifest form (EPA Form 8700-22) according to the instructions found in the Appendix to 40 C.F.R. Part 262.

83. During the period of 2012 through 2015, Respondent generated and offered for shipment hazardous waste, on several manifests, without complying fully with various requirements/instructions found in the Appendix to 40 C.F.R. Part 262.

84. Respondent failed to accurately and adequately prepare its hazardous waste manifests for several shipments of hazardous waste from the following facilities: (i) Thunder Horse-Mississippi Canyon 778; (ii) Na Kika-Mississippi Canyon 474; (iii) Mad Dog-Green Canyon 237; and (iv) Atlantis-Green Canyon 787 in violation of 40 C.F.R. § 262.20(a).

85. The forgoing Claims 1 through 4 (Paragraphs 68 through 84) do not include any allegation that hazardous waste was improperly disposed or released to the environment.

VI. COMPLIANCE ORDER

86. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within one hundred and eighty (180) calendar days of the effective date of this CAFO, Respondent shall provide in writing the following to EPA:

- A. Respondent shall certify that it has assessed all its solid waste streams at each Facility to determine the accurate waste codes and has developed and implemented standard operating procedures (“SOPs”) for each Facility to ensure that BP is operating in compliance with RCRA and the regulations promulgated thereunder, including, but

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not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal restrictions;

- B. Respondent shall certify that it has accurately and adequately complied with its RCRA Section 3010 Notification, where applicable, for each Facility and within the prescribed time period, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930; and
- C. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in subparagraph A above.

87. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of BP and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch
Waste Compliance III Section (6FN-H3)
1445 Ross Avenue
Dallas, TX 75202-2733
Attn: Bill Mansfield

In the alternative, documents required by this CAFO may be sent to Bill Mansfield via email at Mansfield.William@epa.gov.

VII.
TERMS OF SETTLEMENT

i. Penalty Provisions

88. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Factual Allegations and Alleged Violations, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of Four Hundred and Forty-Six Thousand Five Hundred and Nineteen Dollars (\$446,519.00).

89. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.

90. The following are Respondent's options for transmitting the penalties:
Regular Mail, U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail, the check should be remitted to:

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U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (In the Matter of BP Exploration & Production, Inc.,
Docket No. RCRA-06-2017-0905) shall be clearly documented on or within Respondent's chosen
method of payment to ensure proper credit.

91. The Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

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Mark Potts, Chief
Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Bill Mansfield

Adherence to this request will ensure proper credit is given when penalties are received by EPA.

92. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

ii. Cost

93. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 104-121), and any regulations promulgated pursuant to those Acts.

iii. Termination and Satisfaction

94. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall so certify in writing and in accordance with the certification language set forth in Section IV (Compliance Order), Paragraph 87. Unless the EPA, objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

95. This CAFO resolves the claims set forth in Section III, Factual Allegations and Alleged Violations, and BP, and its officers, directors, employees, and affiliated entities are released from civil liabilities for causes of action associated with those claims that relate to the Facilities for the years 2011 through 2015 as provided in 40 C.F.R. §§ 22.18(c) and 22.31 upon the termination of this CAFO.

iv. Effective Date of Settlement

96. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

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**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:


Date: 1/17/17



BP EXPLORATION & PRODUCTION, INC

FOR THE COMPLAINANT:

Date: 2/1/17



Stacey B. Dwyer, P.E.
Acting Director
Compliance Assurance and
Enforcement Division

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FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 2/7/17



Thomas Rucki
Regional Judicial Officer

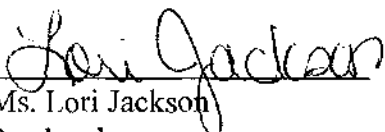
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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2017, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method identified below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 10010360000366748100

BP EXPLORATION & PRODUCTION, INC
Farley Burge
BP America
501 Westlake Park Blvd, Room 3.640A
Houston, TX 77079


Ms. Lori Jackson
Paralegal