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

June 8, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7010 2780 0002 4356 5129

Environmental Engineering Manager
BP Chemical Inc.
BP Chemical Texas City
2800 FM 519 E
Texas City, Texas 77590

Re: Request for Information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, regarding the BP Chemical Texas City, Texas City, Texas

Dear Sir or Madam:

Enclosed is an Information Request (Request) issued to BP Chemical Inc., 2800 FM 519 E, Texas City, Texas (BP). This Request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. Pursuant to this authority, the U.S. Environmental Protection Agency (EPA) may require persons with information relevant to the generation, storage, treatment, transportation, disposal, or otherwise handling of hazardous wastes, to submit information to EPA.

Please respond to this Request within thirty (30) calendar days of receipt of this letter. Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA which permits EPA to seek the imposition of penalties of up to $37,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA or generally under 18 U.S.C. § 1001.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq. Your response to this Request should be sent to Dale Thrush (6EN-HC), at the above address.

Due to the serious legal ramifications if you fail to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Request within the time specified above. If you have any legal or technical questions relating to this Request, please consult with EPA prior to the time specified above.

Please direct technical questions to Dale Thrush of the Hazardous Waste Enforcement Branch at (214) 665-9799, and legal questions to Mr. Jeffrey Clay of Regional Counsel at (214) 665-7297. Thank you for your attention to this matter.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency (EPA) is investigating BP Chemical Inc.'s (BP) compliance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 *et seq.* at its chemical plant in Texas City, Texas. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit this information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the time specified, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which responsive information must be provided to it. Furthermore, EPA specifically retains the right to obtain additional information beyond what is listed in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of BP. An affidavit making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001, 42 U.S.C. § 6928(d), and 42 U.S.C. § 7413(c). Failure to fully comply with this Request may subject BP to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), the records, reports, and/or information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality for all or part of the information submitted (with the exception of emissions data) in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential material will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. 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. If you do alert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

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

Mr. Dale Thrush
Corrective Action Section (6EN-HC)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.

2. 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.

3. 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.

4. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret", "proprietary", or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:

   a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

   b. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.

c. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

d. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. DEFINITIONS

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

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, 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 intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash drive, CD, DVD, 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 hard drive, flash drive, CD, DVD, or other type of memory and together with printouts of such hard drive, flash drive, CD, DVD, 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 Chemicals Inc." (BP) includes any officer, director, agent, or employee of BP, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

3. The term "you" or "yours" refers to BP.

4. The term "facility" means your BP Chemical Texas City, 2800 FM 519 E Texas City, Texas.

5. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Information Request.

6. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. Parts 260 - 280, and the federally authorized Texas hazardous waste program.

7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

8. 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.

9. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

10. The term "release" shall mean the expulsion or discharge of a solid or liquid material from its container, pipe, trench, flume, pit, tank or other vessel into groundwater, surface water, surface soils or subsurface soils, including any releases that are subsequently controlled or remediated.

11. The term "spills or leaks" shall include all releases of liquids or solids that:

    a) you have determined to be a hazardous waste,
    b) you used process knowledge and/or analytical results to determine it is not a hazardous waste,
    c) you recycled on-site or off-site.

    This shall be inclusive of both reportable quantity spills and non-reportable quantity spills.

12. The term "company" shall refer to BP Products North America, Inc. and any of its subsidiary entities.

13. The term "RCRA facility assessment" refers to an evaluation of solid waste management units and other areas of concern for releases to soil, surface water and / or groundwater.

III. QUESTIONS

1. Identify each person(s) answering each Question, or subpart of each Question, and provide their title and a description of their responsibilities.

2. For each and every Question, or subpart of each Question, identify all persons consulted in the preparation of the answer, including their title and responsibilities.

3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.

Facility Questions

4. Provide a detailed facility map (in an electronic format) that identifies the location of all major structures, property boundaries, current and historic process units, the location of current or historic units that treated, stored, transferred, or disposed of hazardous wastes, and the location of all spills or leaks that have occurred during the past three years at the facility.

5. Provide a spreadsheet identifying all spills or leaks that have occurred during the past three years at the facility. Please include the location of the spill, the cause of the spill, the amount spilled, the material spilled, remediation efforts undertaken as a result of the spill, and sampling results taken at any time in response to the spill, including samples used to determine that a clean-up is complete. Also, please indicate which spills have been reported to either a state or federal agency.

6. Provide a narrative statement briefly describing why each spill identified in question 5 took place. Please include any documents, including any internal documents that describe or relate to any spill and describes in any way the cause, quantity, impact, and/or remediation of the spill.

7. Has your facility undergone a RCRA facility assessment in the last ten years? If so, then provide a copy of the assessment(s) and all supporting documents.

ENCLOSURE B

STATEMENT OF CERTIFICATION

BP Chemicals Inc.
BP Chemical Texas City
2800 FM 519 E
Texas City, Texas

I certify that I am authorized to respond to this information request on behalf of BP Chemicals Inc., Texas City, Texas *and I certify under penalty of perjury that the foregoing is true and correct. Executed on* _____, 2012.

_____
(Signature)

_____
(Name)

_____
(Title)