

# THE BUZBEE LAW FIRM

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Reply to: Houston Office

September 24, 2010

## URGENT

### Via Facsimile and Email

Otway Denny  
Fulbright & Jaworski, L.L.P.  
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Fax: 713 651 5246

**Re: *Bp Texas City Refinery Leak***

Otway:

Four days ago, on September 20, 2010, a leak was discovered in the main production line of Pipestill 3A at the BP Texas City Plant. The leak was reported to a BP operator who responded: "Shit, we are going to have to shut the unit down!" The leak was further reported to BP supervisors and other personnel. As of late yesterday, the leak continues. Indeed, it is now visible with the naked eye, and is much larger than when it was first discovered. According to plant personnel who have training in this area, this leak is considered an "excessive emissions" event. Worse, the substance being released is an extremely flammable hydrocarbon, and creates an extreme hazard to those working within, and outside, the plant. Many of those at risk are my clients. Not only has this now four-day old leak not been stopped, it has not been reported to the authorities. Lives are at risk. Action is needed.

Recently, a leak of hydrogen sulfide was discovered in a nearby unit, about 100 feet above the ground. Like this one, that leak was reported to management. That leak was so excessive, it was creating a vapor cloud visible to the naked eye. Although that leak was reported on a Thursday, on the next Monday it was still spewing chemicals into the air. This cannot happen with the Pipestill 3A leak. This cannot be allowed to continue to leak until next week, or whenever your client decides to do something about it. Failure to correct the flammable leak in Pipestill 3A could lead to another explosion. No doubt your client will argue that the current leak is not a "reportable event." This is false, because you and I both know that OSHA would require that this leak be fixed immediately due to the fire and explosion danger it causes. No doubt your client will argue that the leak is "being monitored." The truth is, however, that the leak is not being monitored, at all, because I have personally spoken to the individuals involved with this

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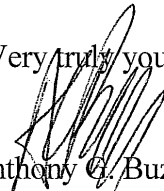
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issue who work in the plant. The workers who work in the area of Pipestill 3A are very concerned about the chance for a fire or explosion as a result of this leak. This needs to be fixed, now. Failure to act now creates an extreme risk of harm to my clients, and others.

**If I do not hear from you by 3pm today that this leak will be repaired, immediately, (with an explanation as to how this will be accomplished) I will seek a Temporary Restraining Order with the court to force your client to do so.** I understand that to fix this leak requires the shutdown of Pipestill 3A and will cost your client millions of dollars. However, when you weigh that cost against the possible loss of human life and property, what needs to be done is crystal clear. I hope you understand the gravity of this situation and act accordingly. Time is of the essence.

Thanks for your prompt attention to this matter. As always, I remain,

Very truly yours,

  
Anthony G. Buzbee

/sdj

cc: **Via Facsimile**  
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**Via Facsimile**  
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**From:** TJ Aulds <tj.aulds@galvnews.com>  
**Subject:** **BP statement**  
**Date:** September 24, 2010 7:37:57 PM CDT

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**From:** "Marr, Michael"  
**Date:** September 24, 2010 4:43:18 PM CDT  
**To:** <tj.aulds@galvnews.com>  
**Subject:** **BP statement**

1. Mr. Buzbee's letter is not accurate. There is no need for Mr. Buzbee to be involved in this matter and no need for him to go to court.
2. Galveston County citizens and community leaders should be skeptical of claims by a lawyer with a presumed financial motive to make them. The fact that Mr. Buzbee sent his letter to the press at the same time as he sent it to BP suggests that publicity may be another goal.
3. In light of the broad distribution of Mr. Buzbee's letter, we have reached out to our regulatory agencies to advise them of Mr. Buzbee's letter and to brief them on the true status of the equipment discussed in Mr. Buzbee's letter.