

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-1578-AIR-E TCEQ ID: RN100216977 CASE NO.: 31081  
RESPONDENT NAME: BASF FINA PETROCHEMICALS LIMITED PARTNERSHIP**

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>                              |   |  |
| <input type="checkbox"/> 1660 AGREED ORDER      | <input checked="" type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER                   | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER          | <input type="checkbox"/> EMERGENCY ORDER                  |  |

|  |   |   |
|--|---|---|
| <b>CASE TYPE:</b>                              |   |   |
| <input checked="" type="checkbox"/> AIR        | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY   | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION     |
| <input type="checkbox"/> WATER QUALITY         | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL  |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION       |

**SITE WHERE VIOLATION(S) OCCURRED:** 2700 Highway 366, Port Arthur, Jefferson County

**TYPE OF OPERATION:** Petrochemical plant

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. As of October 29, 2008, there are two additional pending enforcement action regarding this facility location: 2008-1147-AIR-E, and 2008-1021-AIR-E.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on June 23, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Enforcement Coordinator:** Ms. Trina Grieco, Air Enforcement Section, MC R-13, (210) 403-4006

**TCEQ Regional Contact:** Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 899-8731

**Respondent:** Mr. Chris Witte, General Manager, BASF Fina Limited Partnership, Highway 366, Gate 99, P.O. Box 2506  
Port Arthur, TX 77643

**Respondent's Attorney:** Mr. David Savage, Baker Botts LLP, 98 San Jacinto Blvd., Suite 1500, Austin, Texas 78701

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|---|---|---|
| <p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b><br/>None</p> <p><b>Dates of Investigation Relating to this Case:</b><br/>February 23, 2006, July 18, 2006 and February 5, 2007</p> <p><b>Date of NOE Relating to this Case:</b><br/>August 22, 2006 and February 9, 2007</p> <p><b>Background Facts:</b><br/>This case was referred to the Litigation Division on October 11, 2006. A subsequent investigation resulted in additional violations being added to the case on March 1, 2007. After extensive settlement negotiations, settlement was achieved and a signed Agreed Order was received on April 9, 2008.</p> <p><b>AIR:</b></p> <p>1. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 22,283.08 pounds ("lbs") of volatile organic compounds ("VOCs") were released from emission point number ("EPN") F-1 in the Ethylene Cracker Unit during an emissions event (Incident No. 72035) that occurred on February 21, 2006, and lasted 5 hours and 15 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Condition I and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2. Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005, to February 28, 2006, certification periods and failed to report all deviations on the annual compliance certification report. Specifically, the certifications were due to be submitted on March 30, 2005, and March 30, 2006, but were not submitted until March 31, 2005, and May 25, 2006, and several deviations were not included in the latter report [30 TEX. ADMIN. CODE §§ 122.145(2)(A), 122.146(2), and (5)(c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> | <p><b>Total Assessed:</b> \$203,125</p> <p><b>Total Deferred:</b> \$101,562<br/> <input type="checkbox"/> Expedited Order<br/> <input type="checkbox"/> Financial Inability to Pay<br/> <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$101,563</p> <p>The Respondent has paid \$101,563 of the administrative penalty. The remainder of \$101,562 shall be conditionally offset by the Respondent's completion of a Supplemental Environment Project (SEP).</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b><br/>Human health and the environment have been exposed to pollutants which exceed levels that are protective (PCW 1, violation 1).</p> | <p><b>Ordering Provisions</b></p> <p>The Respondent shall implement and complete a SEP, as described in Attachment A of the Agreed Order.</p> <p><b>Technical Requirements:</b></p> <p>The Respondent shall undertake the following technical requirements.</p> <p>1. Within 30 days:</p> <p>a. With regard to Violation Tracking No. 247922, Respondent shall submit documentation verifying that the deviations for the Auxiliary Boiler, for annual VOC exceedances that occurred during calendar year 2005, and the CO and NOx firing rate limit exceedances that occurred during August 2005, and February 2006, have been reported properly; and</p> <p>b. With regard to Violation Tracking Nos. 247678, 247718, 247702, 247781, 247845, 247850, and 247868, the Respondent shall submit to the Air Permits Division, an application to amend Permit Nos. 36644, PSD-TX-903, and N-007 to adjust the emission limits or averaging times for EPN N-20A (Cogeneration Unit 1 [GTG-1]), N-20B (Cogeneration Unit 2 [GTG-2]) and N-14 (Auxiliary Boiler [B-7240]) to better account for fluctuations in hourly and concentration based emission rates due to changes in steam demand and other variable process conditions.</p> <p>2. Within 45 days, certify compliance with above Ordering Provisions.</p> <p>3. With regard to Violation Tracking No. 265828:</p> <p>a. By June 30, 2009, Respondent shall complete the installation and start-up of facilities designed to reduce the potential for water vapor from the Plant's cooling water system from impairing visibility on adjacent public roads;</p> <p>b. Within 30 days, submit to the TCEQ Regional Office a milestone schedule for the project implementation that will include: 1) completion of engineering; 2) ordering of equipment; 3) receipt of equipment on site; 4) completion of installation of equipment; and 5) startup, which shall be no later than June 30, 2009; and</p> |

3. Failed to operate the gas turbine and duct burner (EPN N-20A) in Co-generation Unit 1 within emissions limits of 15.3 lbs/hr and 6 ppm of NO<sub>x</sub>, 53.9 lbs/hr and 50 ppm of CO, and 7.61 lbs/hr and 7 ppm of NH<sub>3</sub>. Specifically, for the period from March 2003, through February 2006, NO<sub>x</sub> lbs/hr and ppm limits were exceeded 620 times, CO lbs/hr and ppm limits were exceeded 88 times, and NH<sub>3</sub> lbs/hr and ppm limits were exceeded 38 times [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1, 16A, and 16B, and TEX. HEALTH & SAFETY CODE § 382.085 (b)].

4. Failed to operate the gas turbine and duct burner (EPN N-20B) in Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NO<sub>x</sub> and 7.61 lbs/hr and 7 ppm of NH<sub>3</sub>. Specifically, for the period from March 2003, through February 2006, NO<sub>x</sub> lbs/hr and ppm limits were exceeded 382 times, and NH<sub>3</sub> lbs/hr and ppm limits were exceeded 390 times [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1, 16A, and 16B, and TEX. HEALTH & SAFETY CODE § 382.085 (b)].

5. Failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tpy and firing rate limits of 0.06 lbs/MMBtu/hr of NO<sub>x</sub>, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs. Specifically, for the period from March 2003, through February 2006, NO<sub>x</sub> lbs/hr, lbs/MMBtu/hr and tpy limits were exceeded 342 times, CO lbs/hr and lbs/MMBtu/hr limits were exceeded 410 times, and annual VOC limits were exceeded in calendar year 2005 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1, and 21, and TEX. HEALTH & SAFETY CODE § 382.085 (b)].

6. Failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower from impairing visibility on adjacent public roads on January 15, January 18, and February 2, 2007 [30 TEX. ADMIN. CODE § 101.5 and TEX. HEALTH & SAFETY CODE § 382.085 (b)].

c. Within 45 days, by the 15<sup>th</sup> day of each calendar quarter until the date that the Respondent submits its certification of completion of the project, submit a progress report to the TCEQ Regional Office providing the implementation status of the project.

4. Within 180 days, certify that the amendment to the Permit addressed in Ordering Provision 1.b. has been issued.

5. By July 30, 2009, certify compliance with Ordering Provision No. 3.a.

**Corrective Action(s) Taken:**

The Executive Director recognizes that the Respondent has implemented the following corrective measures:

1. By March 19, 2007, in response to the February 21, 2006, emissions event (Violation Tracking No. 236112, Incident No. 72035):

a. Relocated the emulsion breaker injection point into T-1501 to the P-1501B suction header; and

b. Installed a roto meter for water injection to the emulsion breaker.

2. In response to the Violation Tracking No. 247665, submitted annual compliance certifications for the March 1, 2004, to February 28, 2005, and March 1, 2005, to February 28, 2006, certification periods on March 31, 2005, and March 25, 2006, respectively.

Attachment A  
Docket Number: 2006-1578-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** BASF Fina Petrochemicals Limited Partnership

**Amount of Penalty:** Two hundred three thousand one hundred twenty-five dollars  
(\$203,125)

**Amount of Offset for the SEP:** One hundred one thousand five hundred sixty-two dollars  
(\$101,562)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Southeast Texas Regional Planning Commission ("SETRPC")  
*West Port Arthur Home Energy Efficiency Project*

**Location of SEP:** Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the **Southeast Texas Regional Planning Commission ("SETRPC") West Port Arthur Home Energy Efficiency Program**. The SETRPC will use the funds to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating the homes and appliances, as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action. All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Bob Dickinson  
Director, Transportation and Environmental Resources  
South East Texas Regional Planning Commission  
2210 Eastex Freeway  
Beaumont, TX 77703

3. **Records and Reporting**

Concurrent with the payment of the SEP contribution, The Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

5. **Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

PCW  
1



**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision April 25, 2006

|              |              |             |           |             |         |             |
|--------------|--------------|-------------|-----------|-------------|---------|-------------|
| <b>DATES</b> | Assigned PCW | 28-Aug-2006 | Screening | 06-Sep-2006 | EPA Due | 19-May-2007 |
|--------------|--------------|-------------|-----------|-------------|---------|-------------|

|  |  |
|--|--|
| <b>RESPONDENT/FACILITY INFORMATION</b> |  |
| Respondent                             | BASF Fina Petrochemicals Limited Partnership |
| Reg. Ent. Ref. No.                     | RN100216977                                  |
| Facility/Site Region                   | 10-Beaumont                                  |
| Major/Minor Source                     | Major Source                                 |

|                                 |                 |                   |                    |
|---------------------------------|-----------------|-------------------|--------------------|
| <b>CASE INFORMATION</b>         |                 |                   |                    |
| Enf./Case ID No.                | 31081           | No. of Violations | 5                  |
| Docket No.                      | 2006-1578-AIR-E | Order Type        | Findings           |
| Media Program(s)                | Air Quality     | Enf. Coordinator  | Trina Grieco       |
| Multi-Media                     |                 | EC's Team         | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0             | Maximum           | \$10,000           |

|  |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
|--|---|-------------------------------|-------------------------------|---------------|-----------------------------------|--|----------|--|--|-----|---|-----------------------|--|
| <b>Penalty Calculation Section</b>   |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>  | <b>Subtotal 1</b> \$77,500              |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>   |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.   |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>Compliance History</b> 99% Enhancement  | <b>Subtotals 2, 3, &amp; 7</b> \$76,725 |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Notes: Penalty enhancement due to 5 NOVs issued for same or similar violations, 7 NOVs issued for non-similar violations, which includes 4 self-reported effluent violations, and 3 agreed orders containing denial of liability.  |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>Culpability</b> No 0% Enhancement   | <b>Subtotal 4</b> \$0                   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Notes: The Respondent does not meet culpability criteria.  |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>Good Faith Effort to Comply</b> 0% Reduction  | <b>Subtotal 5</b> \$0                   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <table border="1"> <tr> <td></td> <td>Before NOV</td> <td>NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td align="center">X</td> <td align="center">(mark with a small x)</td> </tr> </table> |   | Before NOV                    | NOV to EDPRP/Settlement Offer | Extraordinary |                                   |  | Ordinary |  |  | N/A | X | (mark with a small x) |  |
|  | Before NOV                              | NOV to EDPRP/Settlement Offer |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Extraordinary  |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Ordinary   |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| N/A  | X                                       | (mark with a small x)         |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Notes: The Respondent does not meet good faith criteria.   |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>Economic Benefit</b> 0% Enhancement*  | <b>Subtotal 6</b> \$0                   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <table border="1"> <tr> <td>Total EB Amounts</td> <td>\$2,655</td> </tr> <tr> <td>Approx. Cost of Compliance</td> <td>\$7,950</td> </tr> </table>  | Total EB Amounts                        | \$2,655                       | Approx. Cost of Compliance    | \$7,950       | *Capped at the Total EB \$ Amount |  |          |  |  |     |   |                       |  |
| Total EB Amounts   | \$2,655                                 |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Approx. Cost of Compliance   | \$7,950                                 |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>SUM OF SUBTOTALS 1-7</b>  | <b>Final Subtotal</b> \$154,225         |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>  | <b>Adjustment</b> \$0                   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Notes: Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)   |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
|  | <b>Final Penalty Amount</b> \$154,225   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>STATUTORY LIMIT ADJUSTMENT</b>  | <b>Final Assessed Penalty</b> \$144,325 |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>DEFERRAL</b> 0% Reduction   | <b>Adjustment</b> \$0                   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| Notes: No deferral is offered because this is not an expedited case and it is a findings order.  |   |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |
| <b>PAYABLE PENALTY</b>   | \$144,325                               |                               |                               |               |                                   |  |          |  |  |     |   |                       |  |

Screening Date 06-Sep-2006

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 5                 | 25%     |
|                               | Other written NOVs   | 7                 | 14%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 3                 | 60%     |
|                               | 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 (number of judgements or consent decrees meeting criteria)                                       | 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 (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 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 (number of audits for which notices were)                        | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Other                         | <i>Please Enter Yes or No</i>  |                   |         |
|                               | 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) 99%**

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3) 0%**

>> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7) 0%**

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 5 NOVs issued for same or similar violations, 7 NOVs issued for non-similar violations, which includes 4 self-reported effluent violations, and 3 agreed orders containing denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 99%**

Screening Date 06-Sep-2006

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number  Violation Tracking No. 236112

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), New Source Review ("NSR") Permit No. 36644/PSD-TX-903, N-007, Special Condition 1

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 22,283.08 pounds ("lbs") of volatile organic compounds ("VOCs") were released from emission point number ("EPN") F-1 in the Ethylene Cracker Unit during an emissions event (Incident No. 72035) that occurred on February 21, 2006 and lasted 5 hours and 15 minutes.

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    | X     |          |       |
| Potential |       |          |       |

Percent

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to 11.14 tons of pollutants, which included 931.54 lbs of hazardous air pollutants ("HAPs"), and exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        | X |
|                                | monthly      |   |
|                                | quarterly    |   |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

Violation Base Penalty

One daily event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

**Economic Benefit Worksheet**

Respondent BASF Fina Petrochemicals Limited Partnership  
 Case ID No. 31081  
 Reg. Ent. Reference No. RN100216977  
 Media [Statute] Air Quality  
 Violation No. 1

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| Equipment                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$500     | 21-Feb-2006   | 19-Mar-2007 | 1.1 | \$2            | \$36          | \$37      |
| Engineering/construction |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to ensure that emulsion breaker injection into process piping has a high enough pH level to prevent corrosion. Date required based on the date of the release. Final date based on the compliance date.

| Item Description   | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <b>Avoided Costs</b>   |           |               |            |     |                |               |           |
| ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |           |               |            |     |                |               |           |
| Disposal   |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Personnel  |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling  |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Supplies/equipment   |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Financial Assurance [2]  |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]   |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)  |           |               |            | 0.0 | \$0            | \$0           | \$0       |

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500** TOTAL **\$37**

**Screening Date** 06-Sep-2006

**Docket No.** 2006-1578-AIR-E

**PCW**

**Respondent** BASF Fina Petrochemicals Limited Partnership

*Policy Revision 2 (September 2002)*

**Case ID No.** 31081

*PCW Revision April 25, 2006*

**Reg. Ent. Reference No.** RN100216977

**Media [Statute]** Air Quality

**Enf. Coordinator** Trina Grieco

**Violation Number**  **Violation Tracking Nos.** 247665 and 247922

**Primary Rule Cite(s)** 30 Tex. Admin. Code §§ 122.145(2)(A), 122.146(2), and 122.146(5)(c)

**Secondary Rule Cite(s)** 30 Tex. Admin. Code § 122.143(4), Air Operating Permit O-01877, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failure to report all deviations on the annual compliance certification report. Specifically, the certifications were due to be submitted on March 30, 2005 and March 30, 2006, but were not submitted until March 31, 2005 and May 25, 2006 and several deviations were not included in the latter report.

**Base Penalty**

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

|         |           | Harm                 |                      |                      |                                     |
|---------|-----------|----------------------|----------------------|----------------------|-------------------------------------|
| Release |           | Major                | Moderate             | Minor                |                                     |
| OR      | Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | <b>Percent</b> <input type="text"/> |
|         | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |                                     |

>> **Programmatic Matrix**

| Falsification        | Major                               | Moderate             | Minor                |   |
|----------------------|-------------------------------------|----------------------|----------------------|---|
| <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> | <input type="text"/> | <b>Percent</b> <input type="text" value="25%"/> |

**Matrix Notes**  
 Failure to submit the annual compliance certifications within 30 days after the certification period means that 100% of rule requirement was not met.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**  **Number of violation days**

|                                |              |                                     |
|--------------------------------|--------------|-------------------------------------|
| mark only one<br>use a small x | daily        | <input type="text"/>                |
|                                | monthly      | <input type="text"/>                |
|                                | quarterly    | <input type="text"/>                |
|                                | semiannual   | <input type="text"/>                |
|                                | annual       | <input type="text"/>                |
|                                | single event | <input checked="" type="checkbox"/> |

**Violation Base Penalty**

Two single events are recommended for the two certification reports that were not timely submitted.

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

**Economic Benefit Worksheet**

Respondent BASF Fina Petrochemicals Limited Partnership  
 Case ID No. 31081  
 Reg. Ent. Reference No. RN100216977  
 Media [Statute] Air Quality  
 Violation No. 2

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| Equipment                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$300     | 30-Mar-2005   | 25-May-2006 | 1.2 | \$1            | \$23          | \$24      |
| Engineering/construction |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        | \$150     | 30-Mar-2006   | 01-Oct-2008 | 2.5 | \$19           | n/a           | \$19      |

Notes for DELAYED costs: Estimated expense to prepare and submit two annual compliance certifications (\$300) and to report deviations (\$150). Date required based on the date the first certification was due (March 30, 2005) and the date the deviations should have been reported (March 30, 2006). Final dates based on the compliance date for the annual compliance certification submittals (May 25, 2006) and the projected compliance date for reporting deviations (October 1, 2008).

| Avoided Costs                 | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$450** TOTAL **\$43**

Screening Date 06-Sep-2006

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number  Violation Tracking Nos. 247678 and 247718

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), NSR Permit Nos. 36644, PSD-TX-903, N-007, Special Conditions 1, 16A, and 16B

Secondary Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the gas turbine and duct burner (EPN N-20A) in the Co-generation Unit 1 within emissions limits of 15.3 lbs per hour ("lbs/hr") and 6 parts per million ("ppm") of nitrogen oxides ("NOx"), 53.9 lbs/hr and 50 ppm of carbon monoxide ("CO"), and 7.61 lbs/hr and 7 ppm of Ammonia ("NH3"). Specifically, for the period from March 2003 through February 2006, NOx lbs/hr and ppm limits were exceeded 620 times, CO lbs/hr and ppm limits were exceeded 88 times, and NH3 lbs/hr and ppm limits were exceeded 38 times.

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release   | Harm                 |                      |                                     |
|-----------|----------------------|----------------------|-------------------------------------|
|           | Major                | Moderate             | Minor                               |
| Actual    | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/>                |

Percent

>> Programmatic Matrix

| Falsification        | Major                | Moderate             | Minor                |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Percent

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

|                                |              |                                     |
|--------------------------------|--------------|-------------------------------------|
| mark only one<br>use a small x | daily        | <input type="text"/>                |
|                                | monthly      | <input type="text"/>                |
|                                | quarterly    | <input checked="" type="checkbox"/> |
|                                | semiannual   | <input type="text"/>                |
|                                | annual       | <input type="text"/>                |
|                                | single event | <input type="text"/>                |

Violation Base Penalty

Twelve quarterly events are recommended based on the twelve quarters during which there were exceedances.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

**Economic Benefit Worksheet**

Respondent BASF Fina Petrochemicals Limited Partnership  
 Case ID No. 31081  
 Reg. Ent. Reference No. RN100216977  
 Media [Statute] Air Quality  
 Violation No. 3

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| Equipment                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$3,000   | 20-Mar-2003   | 01-Mar-2009 | 6.0 | \$60           | \$1,191       | \$1,250   |
| Engineering/construction |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of emissions exceedances due to the same causes. Date required based on the date of the first exceedance. Final date based on the projected compliance date.

| Item                          | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$3,000** TOTAL **\$1,250**

Screening Date 06-Sep-2006

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 4 Violation Tracking Nos. 247702 and 247781

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), NSR Permit Nos. 36644, PSD-TX-903, N-007, Special Conditions 1, 16A, and 16B

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the gas turbine and duct burner (EPN N-20B) in the Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NOx and 7.61 lbs/hr and 7 ppm of NH3. Specifically, for the period from March 2003 though February 2006, NOx lbs/hr and ppm limits were exceeded 382 times, and NH3 lbs/hr and ppm limits were exceeded 390 times.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 10

772 Number of violation days

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        |   |
|                                | monthly      |   |
|                                | quarterly    | X |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

Violation Base Penalty \$25,000

Ten quarterly events are recommended for the ten quarters during which there were exceedances.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$833

Violation Final Penalty Total \$49,750

This violation Final Assessed Penalty (adjusted for limits) \$49,750

**Economic Benefit Worksheet**

Respondent BASF Fina Petrochemicals Limited Partnership  
 Case ID No. 31081  
 Reg. Ent. Reference No. RN100216977  
 Media [Statute] Air Quality  
 Violation No. 4

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| Equipment                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$2,000   | 20-Mar-2003   | 01-Mar-2009 | 6.0 | \$40           | \$794         | \$833     |
| Engineering/construction |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of emissions exceedances due to the same causes. Date required based on the date of the first exceedance. Final date based on the projected compliance date.

| Item Description              | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|--|-----|----------------|---------------|-----------|
| <b>Avoided Costs</b>          |  |     |                |               |           |
| Disposal                      |  | 0.0 | \$0            | \$0           | \$0       |
| Personnel                     |  | 0.0 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling |  | 0.0 | \$0            | \$0           | \$0       |
| Supplies/equipment            |  | 0.0 | \$0            | \$0           | \$0       |
| Financial Assurance [2]       |  | 0.0 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]    |  | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)             |  | 0.0 | \$0            | \$0           | \$0       |

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$2,000** TOTAL **\$833**

Screening Date 06-Sep-2006

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number  Violation Tracking Nos. 247845, 247850, and 247868

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), NSR Permit Nos. 36644, PSD-TX-903, N-007, Special Conditions 1 and 21

Secondary Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tons per year ("tpy") and firing rate limits of 0.06 lbs/million British thermal units ("MMBtu")/hr of NOx, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs. Specifically, NOx lbs/hr, lbs/MMBtu/hr, and tpy limits were exceeded 342 times, CO lbs/hr and lbs/MMBtu/hr limits were exceeded 410 times, and annual VOC limits were exceeded in the calendar year 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release   | Harm                 |                      |                                     |
|-----------|----------------------|----------------------|-------------------------------------|
|           | Major                | Moderate             | Minor                               |
| Actual    | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/>                |

Percent

>> Programmatic Matrix

| Falsification        | Major                | Moderate             | Minor                |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Percent

Matrix Notes

Human health or the environment in the Beaumont-Port Arthur nonattainment area has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

|                                |              |                                     |
|--------------------------------|--------------|-------------------------------------|
| mark only one<br>use a small x | daily        | <input type="text"/>                |
|                                | monthly      | <input type="text"/>                |
|                                | quarterly    | <input checked="" type="checkbox"/> |
|                                | semiannual   | <input type="text"/>                |
|                                | annual       | <input type="text"/>                |
|                                | single event | <input type="text"/>                |

Violation Base Penalty

Three quarterly events are recommended for the three quarters during which there were exceedances.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

**Economic Benefit Worksheet**

Respondent BASF Fina Petrochemicals Limited Partnership  
 Case ID No. 31081  
 Reg. Ent. Reference No. RN100216977  
 Media [Statute] Air Quality  
 Violation No. 5

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| Equipment                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$2,000   | 29-Aug-2005   | 01-Mar-2009 | 3.5 | \$23           | \$468         | \$491     |
| Engineering/construction |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of emissions exceedances due to the same causes. Date required based on the date of the first exceedance. Final date based on the projected compliance date.

| Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |  |  |  |     |     |     |     |
|--|--|--|--|-----|-----|-----|-----|
| Disposal   |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel  |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling  |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment   |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]  |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]   |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)  |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance **\$2,000** TOTAL **\$491**

CH-1

### Compliance History

Customer/Respondent/Owner-Operator: CN600128912 BASF Fina Petrochemicals Limited Partnership Classification: AVERAGE Rating: 4.71

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Regulated Entity: RN100216977 BASF FINA NAFTA REGION OLEFINS COMPLEX Classification: AVERAGE Site Rating: 4.71

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| ID Number(s): | Category                                  | Permit/Registration Number             |
|---------------|---|--|
|               | AIR OPERATING PERMITS                     | PERMIT 1877                            |
|               | AIR OPERATING PERMITS                     | ACCOUNT NUMBER JE0843F                 |
|               | AIR OPERATING PERMITS                     | PERMIT 2551                            |
|               | AIR OPERATING PERMITS                     | ACCOUNT NUMBER JE0843F                 |
|               | AIR OPERATING PERMITS                     | PERMIT 2629                            |
|               | WASTEWATER                                | PERMIT WQ0004135000                    |
|               | WASTEWATER                                | PERMIT TPDES0119369                    |
|               | WASTEWATER                                | PERMIT TX0119369                       |
|               | AIR NEW SOURCE PERMITS                    | PERMIT 36644                           |
|               | AIR NEW SOURCE PERMITS                    | PERMIT PSDTX903                        |
|               | AIR NEW SOURCE PERMITS                    | ACCOUNT NUMBER JE0843F                 |
|               | AIR NEW SOURCE PERMITS                    | PERMIT 41945                           |
|               | AIR NEW SOURCE PERMITS                    | PERMIT N007                            |
|               | AIR NEW SOURCE PERMITS                    | PERMIT N007M2                          |
|               | AIR NEW SOURCE PERMITS                    | PERMIT PSDTX903M2                      |
|               | AIR NEW SOURCE PERMITS                    | REGISTRATION 75583                     |
|               | AIR NEW SOURCE PERMITS                    | REGISTRATION 75585                     |
|               | AIR NEW SOURCE PERMITS                    | PERMIT N018                            |
|               | AIR NEW SOURCE PERMITS                    | PERMIT N007M1                          |
|               | AIR NEW SOURCE PERMITS                    | PERMIT P903M1                          |
|               | AIR NEW SOURCE PERMITS                    | REGISTRATION 76480                     |
|               | AIR NEW SOURCE PERMITS                    | EPA ID PSDTX903M1                      |
|               | AIR NEW SOURCE PERMITS                    | EPA ID PSDTX903M2                      |
|               | AIR NEW SOURCE PERMITS                    | REGISTRATION 78558                     |
|               | AIR NEW SOURCE PERMITS                    | REGISTRATION 79052                     |
|               | AIR NEW SOURCE PERMITS                    | PERMIT 41945                           |
|               | AIR NEW SOURCE PERMITS                    | ACCOUNT NUMBER JE0843F                 |
|               | AIR NEW SOURCE PERMITS                    | EPA ID PSDTX950                        |
|               | AIR NEW SOURCE PERMITS                    | AFS NUM 0182                           |
|               | AIR NEW SOURCE PERMITS                    | REGISTRATION 79678                     |
|               | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID TXR000039909                    |
|               | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) 86596 |

Location: Gate 98, Intersection of HWY 73 and HWY 366 Rating Date: September 01 05 Repeat Violator: NO

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TCEQ Region: REGION 10 - BEAUMONT

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Date Compliance History Prepared: August 30, 2006

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Agency Decision Requiring Compliance History: Enforcement

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Compliance Period: August 29, 2001 to August 29, 2006

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TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

#### Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership of the site during the compliance period? No
- If Yes, who is the current owner? N/A
- If Yes, who was/were the prior owner(s)? N/A
- When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 02/17/2003 ADMINORDER 2002-0808-AIR-E
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: GC 8 PERMIT  
SC 1 PERMIT  
SC 18 PERMIT

Description: Failure to maintain NOX from the Supplemental Boiler Stack below the MAERT limit of 13.65 lb/hr and the limit for the Heat Specific Factor of .060 lb/MMBtu.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT  
SC 1 PERMIT  
SC 15 PERMIT

Description: Failure to maintain NOX from the Cogeneration Train 2 Stack below the MAERT limit of 26.96 lb/hr and the combined emissions from the gas turbine plus duct burner.

Effective Date: 11/02/2002

ADMINORDER 2002-0029-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.5  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent the discharge of such quantities of uncombined water as to create a traffic hazard and interfere with normal road use.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions during an upset on 11/28/01. The emergency bypass vent at the 92 Pipe Rack adjacent to the Thermal Oxidizer which is not a permitted source, released 88 pounds of VOC (benzene) over a 1 hr period.

Effective Date: 04/10/2005

ADMINORDER 2003-1317-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)(1)(B)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)  
30 TAC Chapter 101, SubChapter F 101.211(a)(1)(E)  
30 TAC Chapter 101, SubChapter F 101.211(b)(6)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the expected and actual times of scheduled start-up activities at the Ethylene Unit on the initial and final notifications for startup period November 6, 2001 through January 8, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset; failure to determine if emissions events were reportable.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the compounds and estimated quantities for the compounds of a reportable upset at the Ethylene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

23 PERMIT

23A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

20 PERMIT

PSD-TX-903, SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 26 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)  
30 TAC Chapter 101, SubChapter A 101.6(b)(6)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include types of compounds and estimated total quantities for NOx and CO on final report notifications.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

Description: Failure to maintain compliance with visible emission limitations for gas flares.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)[G]  
30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a final report to the TCEQ Beaumont Regional Office within 14 days of the end of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to make a final maintenance notification within 14 days of the end of the event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

|    |            |          |
|----|------------|----------|
| 1  | 12/19/2001 | (234943) |
| 2  | 11/19/2002 | (234942) |
| 3  | 07/10/2002 | (106919) |
| 4  | 11/26/2001 | (234941) |
| 5  | 06/26/2002 | (106918) |
| 6  | 10/22/2002 | (234940) |
| 7  | 06/24/2002 | (106917) |
| 8  | 06/24/2002 | (106916) |
| 9  | 11/01/2001 | (234939) |
| 10 | 09/16/2002 | (234938) |
| 11 | 09/25/2001 | (234937) |
| 12 | 08/19/2002 | (234936) |
| 13 | 07/16/2003 | (112861) |
| 14 | 07/18/2002 | (234934) |
| 15 | 11/18/2002 | (15762)  |
| 16 | 06/01/2004 | (267732) |
| 17 | 03/30/2006 | (461163) |
| 18 | 11/06/2003 | (254209) |
| 19 | 06/24/2002 | (106915) |
| 20 | 06/27/2002 | (234932) |
| 21 | 08/10/2004 | (278952) |
| 22 | 07/23/2002 | (3001)   |
| 23 | 03/07/2005 | (338015) |
| 24 | 05/30/2002 | (234931) |
| 25 | 12/29/2003 | (257254) |
| 26 | 08/22/2006 | (461611) |
| 27 | 04/23/2002 | (234929) |
| 28 | 08/12/2005 | (402436) |
| 29 | 11/22/2004 | (278953) |
| 30 | 06/24/2002 | (106914) |
| 31 | 02/27/2004 | (261562) |
| 32 | 03/24/2003 | (234927) |
| 33 | 06/13/2002 | (106913) |
| 34 | 05/31/2002 | (106912) |
| 35 | 05/31/2002 | (106911) |
| 36 | 08/29/2002 | (3249)   |
| 37 | 04/05/2002 | (234926) |
| 38 | 05/17/2002 | (106910) |
| 39 | 02/23/2004 | (327651) |

|     |            |          |
|-----|------------|----------|
| 40  | 05/16/2006 | (465406) |
| 41  | 05/02/2002 | (106909) |
| 42  | 02/20/2003 | (234925) |
| 43  | 08/12/2005 | (379097) |
| 44  | 03/22/2004 | (327652) |
| 45  | 02/18/2004 | (260861) |
| 46  | 05/02/2002 | (106908) |
| 47  | 02/10/2005 | (344242) |
| 48  | 04/22/2003 | (327653) |
| 49  | 05/02/2002 | (106907) |
| 50  | 07/27/2005 | (393566) |
| 51  | 03/04/2002 | (234924) |
| 52  | 04/16/2002 | (106906) |
| 53  | 02/11/2005 | (278954) |
| 54  | 05/22/2003 | (327654) |
| 55  | 04/16/2002 | (106905) |
| 56  | 04/03/2002 | (106904) |
| 57  | 03/27/2002 | (106903) |
| 58  | 06/20/2003 | (327656) |
| 59  | 02/18/2005 | (348961) |
| 60  | 04/03/2003 | (16244)  |
| 61  | 07/07/2005 | (338249) |
| 62  | 06/17/2004 | (327657) |
| 63  | 06/10/2003 | (35909)  |
| 64  | 04/17/2003 | (29115)  |
| 65  | 03/01/2002 | (106902) |
| 66  | 07/22/2003 | (327658) |
| 67  | 02/22/2002 | (106901) |
| 68  | 08/22/2003 | (327659) |
| 69  | 02/22/2002 | (106900) |
| 70  | 09/23/2003 | (327660) |
| 71  | 02/14/2002 | (106899) |
| 72  | 02/18/2005 | (348919) |
| 73  | 03/30/2006 | (461169) |
| 74  | 02/14/2002 | (106898) |
| 75  | 10/17/2003 | (327661) |
| 76  | 05/10/2005 | (278956) |
| 77  | 02/08/2002 | (106897) |
| 78  | 10/28/2002 | (14750)  |
| 79  | 08/10/2004 | (278542) |
| 80  | 11/20/2003 | (327662) |
| 81  | 01/26/2002 | (106896) |
| 82  | 11/08/2002 | (15640)  |
| 83  | 01/26/2002 | (106895) |
| 84  | 12/19/2002 | (327663) |
| 85  | 02/27/2004 | (264339) |
| 86  | 02/26/2004 | (261623) |
| 87  | 12/29/2003 | (327664) |
| 88  | 02/08/2005 | (348963) |
| 89  | 01/10/2002 | (106894) |
| 90  | 01/16/2004 | (327665) |
| 91  | 01/09/2002 | (106893) |
| 92  | 02/10/2005 | (343973) |
| 93  | 08/23/2002 | (8418)   |
| 94  | 12/11/2003 | (144479) |
| 95  | 01/09/2002 | (106892) |
| 96  | 03/30/2005 | (344244) |
| 97  | 02/11/2005 | (278958) |
| 98  | 01/09/2002 | (106891) |
| 99  | 01/09/2002 | (106890) |
| 100 | 01/03/2002 | (106889) |
| 101 | 12/11/2001 | (106888) |
| 102 | 12/05/2001 | (106887) |
| 103 | 11/29/2001 | (106886) |
| 104 | 02/22/2006 | (492717) |
| 105 | 11/29/2001 | (106885) |
| 106 | 11/21/2001 | (106884) |
| 107 | 03/22/2006 | (492718) |

|     |            |          |
|-----|------------|----------|
| 108 | 12/17/2003 | (248013) |
| 109 | 10/26/2001 | (106883) |
| 110 | 07/06/2005 | (398263) |
| 111 | 01/28/2003 | (21739)  |
| 112 | 10/21/2005 | (492719) |
| 113 | 02/27/2006 | (453972) |
| 114 | 04/22/2004 | (367172) |
| 115 | 11/28/2005 | (492720) |
| 116 | 05/18/2004 | (367173) |
| 117 | 12/21/2005 | (492721) |
| 118 | 07/19/2004 | (367174) |
| 119 | 07/03/2003 | (43208)  |
| 120 | 01/24/2006 | (492722) |
| 121 | 08/24/2004 | (367175) |
| 122 | 10/19/2001 | (106882) |
| 123 | 09/21/2004 | (367176) |
| 124 | 02/23/2005 | (427633) |
| 125 | 12/09/2005 | (436076) |
| 126 | 10/11/2001 | (106881) |
| 127 | 10/22/2004 | (367177) |
| 128 | 04/18/2005 | (427634) |
| 129 | 08/10/2005 | (399867) |
| 130 | 09/20/2001 | (106880) |
| 131 | 09/21/2004 | (367178) |
| 132 | 12/16/2005 | (437551) |
| 133 | 05/10/2005 | (427635) |
| 134 | 08/22/2006 | (487941) |
| 135 | 06/20/2005 | (427636) |
| 136 | 03/22/2005 | (390149) |
| 137 | 11/08/2002 | (15628)  |
| 138 | 12/22/2004 | (390150) |
| 139 | 08/31/2005 | (285271) |
| 140 | 01/21/2005 | (390151) |
| 141 | 05/23/2006 | (461740) |
| 142 | 01/14/2004 | (259423) |
| 143 | 03/30/2006 | (460864) |
| 144 | 05/21/2004 | (267205) |
| 145 | 04/19/2006 | (506384) |
| 146 | 11/08/2002 | (15658)  |
| 147 | 05/23/2006 | (506385) |
| 148 | 03/30/2005 | (343817) |
| 149 | 06/19/2006 | (506386) |
| 150 | 03/03/2005 | (343703) |
| 151 | 05/22/2006 | (465286) |
| 152 | 02/10/2005 | (344219) |
| 153 | 05/21/2004 | (266870) |
| 154 | 02/11/2005 | (341798) |
| 155 | 03/03/2005 | (262072) |
| 156 | 09/05/2003 | (119152) |
| 157 | 08/24/2005 | (287879) |
| 158 | 05/12/2006 | (460115) |
| 159 | 05/21/2004 | (266755) |
| 160 | 11/10/2005 | (435935) |
| 161 | 04/25/2003 | (27482)  |
| 162 | 05/12/2004 | (270524) |
| 163 | 01/27/2006 | (450346) |
| 164 | 10/10/2002 | (10864)  |
| 165 | 11/15/2002 | (16299)  |
| 166 | 01/16/2004 | (259390) |
| 167 | 06/03/2005 | (378687) |
| 168 | 08/10/2004 | (278948) |
| 169 | 03/30/2005 | (344248) |
| 170 | 06/30/2005 | (392884) |
| 171 | 04/01/2005 | (344250) |
| 172 | 03/07/2005 | (344251) |
| 173 | 06/08/2006 | (465332) |
| 174 | 10/11/2002 | (10736)  |
| 175 | 02/11/2005 | (344252) |

176 08/10/2004 (278949)  
 177 02/10/2005 (343769)  
 178 02/27/2006 (439417)  
 179 09/01/2005 (447656)  
 180 12/17/2003 (254861)  
 181 03/30/2005 (344253)  
 182 07/05/2005 (380492)  
 183 08/23/2005 (447657)  
 184 09/19/2005 (447658)  
 185 05/13/2004 (267724)  
 186 03/24/2004 (262485)  
 187 12/06/2002 (15624)  
 188 10/30/2003 (253638)  
 189 08/22/2002 (5767)  
 190 01/15/2003 (19957)  
 191 08/10/2004 (278950)  
 192 02/10/2005 (343578)  
 193 01/21/2003 (234945)  
 194 01/23/2002 (234944)  
 195 06/08/2006 (337298)  
 196 07/05/2005 (398319)

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

1 Date: 06/10/2002 (106915)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 Rqmt Prov: OP IA  
 Description: PERMIT CONDITIONS  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: PERMIT CONDITIONS  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: MAERT LIMITS  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
 Description: MAERT LIMIT

2 Date: 04/30/2002 (234931)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

3 Date: 03/31/2002 (234929)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

4 Date: 06/10/2002 (106914)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: MAERT LIMIT  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
 Description: MAERT LIMIT  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: PERMIT CONDITIONS  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 Rqmt Prov: OP IA

5 Description: PERMIT CONDITIONS  
Date: 02/26/2004 (261623) Classification: Moderate  
Self Report? NO  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT IA  
Description: On January 5, 2004, during the decoking process of Heater H-0800, an excess opacity event of greater than 5 percent occurred at EPN N-18.

6 Date: 02/28/2002 (234926) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

7 Date: 01/31/2002 (234924) Classification: Moderate  
Self Report? YES  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

8 Date: 02/25/2002 (106902) Classification: Moderate  
Self Report? NO  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: UNAUTHORIZED EMISSIONS

9 Date: 01/03/2002 (106894) Classification: Major  
Self Report? NO  
Citation: 30 TAC Chapter 101, SubChapter A 101.5  
Description: TRAFFIC HAZARD

10 Date: 05/12/2006 (460115) Classification: Moderate  
Self Report? NO  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT IA  
Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7.

11 Date: 10/18/2001 (106882) Classification: Moderate  
Self Report? NO  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
Description: FAILURE TO COMPLY  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
Rqmt Prov: OP IA  
Description: FAILURE TO COMPLY  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP IA  
Description: PERMIT PROVISIONS

12 Date: 05/07/2004 (267732) Classification: Minor  
Self Report? NO  
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(5)  
Description: Failure to properly complete uniform hazardous waste manifests.  
Self Report? NO Classification: Minor  
Citation:

30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
Description: Failure to include an inventory of emergency equipment in the facility's contingency plan.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
Description: Failure to include the addresses of the emergency coordinators in the facility's contingency plan.

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

PCW 2

**Penalty Calculation Worksheet (PCW)**  
Policy Revision 2 (September 2002) PCW Revision January 9, 2007

|              |                 |             |                  |             |                           |
|--------------|-----------------|-------------|------------------|-------------|---------------------------|
| <b>TCEQ</b>  |                 |             |                  |             |                           |
| <b>DATES</b> | <b>Assigned</b> | 12-Feb-2007 |                  |             |                           |
|              | <b>PCW</b>      | 21-Aug-2008 | <b>Screening</b> | 15-Feb-2007 | <b>EPA Due</b> 2-Nov-2007 |

|  |  |                           |       |
|--|--|---------------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |  |                           |       |
| <b>Respondent</b>                      | BASF Fina Petrochemicals Limited Partnership |                           |       |
| <b>Reg. Ent. Ref. No.</b>              | RN100216977                                  |                           |       |
| <b>Facility/Site Region</b>            | 10-Beaumont                                  | <b>Major/Minor Source</b> | Major |

|                          |                      |                          |                         |
|--------------------------|----------------------|--------------------------|-------------------------|
| <b>CASE INFORMATION</b>  |                      |                          |                         |
| <b>Enf./Case ID No.</b>  | 31081                | <b>No. of Violations</b> | 1                       |
| <b>Docket No.</b>        | 2006-1578-AIR-E      | <b>Order Type</b>        | Findings                |
| <b>Media Program(s)</b>  | Air Quality          | <b>Enf. Coordinator</b>  | Trina Grieco            |
| <b>Multi-Media</b>       |                      | <b>EC's Team</b>         | EnforcementTeam 5       |
| <b>Admin. Penalty \$</b> | <b>Limit Minimum</b> | \$0                      | <b>Maximum</b> \$10,000 |

**Penalty Calculation Section**

|   |                   |                 |
|---|-------------------|-----------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | <b>\$30,000</b> |
|---|-------------------|-----------------|

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

|                           |                 |                                |                 |
|---------------------------|-----------------|--------------------------------|-----------------|
| <b>Compliance History</b> | 98% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$29,400</b> |
|---------------------------|-----------------|--------------------------------|-----------------|

**Notes** A 96% enhancement is recommended for having nine NOV's and four agreed final enforcement orders with a denial of liability.

|                    |    |                |                   |            |
|--------------------|----|----------------|-------------------|------------|
| <b>Culpability</b> | No | 0% Enhancement | <b>Subtotal 4</b> | <b>\$0</b> |
|--------------------|----|----------------|-------------------|------------|

**Notes** The Respondent does not meet the culpability criteria.

|                                    |              |                   |            |
|------------------------------------|--------------|-------------------|------------|
| <b>Good Faith Effort to Comply</b> | 0% Reduction | <b>Subtotal 5</b> | <b>\$0</b> |
|------------------------------------|--------------|-------------------|------------|

|                      |                   |                                      |
|----------------------|-------------------|--------------------------------------|
|                      | <b>Before NOV</b> | <b>NOV to EDCRP/Settlement Offer</b> |
| <b>Extraordinary</b> |                   |                                      |
| <b>Ordinary</b>      |                   |                                      |
| <b>N/A</b>           | X                 | (mark with x)                        |

**Notes** The Respondent does not meet the good faith criteria.

|  |                  |                   |                 |
|--|------------------|-------------------|-----------------|
|  | 50% Enhancement* | <b>Subtotal 6</b> | <b>\$15,000</b> |
|--|------------------|-------------------|-----------------|

|                                   |           |
|-----------------------------------|-----------|
| <b>Total EB Amounts</b>           | \$38,975  |
| <b>Approx. Cost of Compliance</b> | \$261,000 |

\*Capped at the Total EB \$ Amount

|                             |                       |                 |
|-----------------------------|-----------------------|-----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$74,400</b> |
|-----------------------------|-----------------------|-----------------|

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment** align="right">**\$0**  
Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

|                             |                 |
|-----------------------------|-----------------|
| <b>Final Penalty Amount</b> | <b>\$74,400</b> |
|-----------------------------|-----------------|

|                                   |                               |                 |
|-----------------------------------|-------------------------------|-----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$58,800</b> |
|-----------------------------------|-------------------------------|-----------------|

**DEFERRAL**  0% Reduction **Adjustment** align="right">**\$0**  
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** No deferral is recommended for Findings Orders.

|                        |                 |
|------------------------|-----------------|
| <b>PAYABLE PENALTY</b> | <b>\$58,800</b> |
|------------------------|-----------------|

Screening Date 15-Feb-2007

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)  | 0                 | 0%      |
|                               | Other written NOV's  | 9                 | 18%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 4                 | 80%     |
|                               | 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 (number of judgements or consent decrees meeting criteria)                                       | 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 (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 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 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| 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) 98%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 96% enhancement is recommended for having nine NOV's and four agreed final enforcement orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 98%

Screening Date 15-Feb-2007

Docket No. 2006-1578-AIR-E

PCW

Respondent BASF Fina Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 31081

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100216977

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 101.5 and Texas Health and Safety Code § 382.085(b)

Violation Description

Failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower, Emission Point Number F-2, from impairing visibility on adjacent public roads on January 15, January 18, and February 2, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    | x     |          |       |
| Potential |       |          |       |

Percent 100%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health and safety has been compromised due to water vapor fog obscuring highway visibility.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 3

3 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

mark only one with an x

Violation Base Penalty \$30,000

Three single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38,975

Violation Final Penalty Total \$74,400

This violation Final Assessed Penalty (adjusted for limits) \$30,000

## Economic Benefit Worksheet

**Respondent** BASF Fina Petrochemicals Limited Partnership  
**Case ID No.** 31081  
**Reg. Ent. Reference No.** RN100216977  
**Media** Air Quality  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

**Delayed Costs**

|                          |           |             |             |     |         |          |          |
|--------------------------|-----------|-------------|-------------|-----|---------|----------|----------|
| Equipment                | \$200,000 | 15-Jan-2007 | 31-Mar-2009 | 2.2 | \$1,472 | \$29,443 | \$30,915 |
| Buildings                |           |             |             | 0.0 | \$0     | \$0      | \$0      |
| Other (as needed)        |           |             |             | 0.0 | \$0     | \$0      | \$0      |
| Engineering/construction | \$30,000  | 15-Jan-2007 | 31-Mar-2009 | 2.2 | \$221   | \$4,416  | \$4,637  |
| Land                     |           |             |             | 0.0 | \$0     | n/a      | \$0      |
| Record Keeping System    |           |             |             | 0.0 | \$0     | n/a      | \$0      |
| Training/Sampling        |           |             |             | 0.0 | \$0     | n/a      | \$0      |
| Remediation/Disposal     |           |             |             | 0.0 | \$0     | n/a      | \$0      |
| Permit Costs             | \$1,000   | 15-Jan-2007 | 31-Mar-2009 | 2.2 | \$110   | n/a      | \$110    |
| Other (as needed)        | \$30,000  | 15-Jan-2007 | 31-Mar-2009 | 2.2 | \$3,312 | n/a      | \$3,312  |

**Notes for DELAYED costs**

Estimated costs for consulting and design fees for engineers and other professionals, permits, and needed equipment and crew labor to upgrade BASF Fina Nafta Region Olefins Complex facility to eliminate the Ethylene Cooling Tower fog from affecting traffic on highways. Date required is date of first documented 2007 TCEQ investigation pertaining to this matter, final date is date of anticipated compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$261,000

**TOTAL**

\$38,975

# Compliance History

CH-2

|                                     |  |                                  |                   |
|-------------------------------------|--|----------------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600128912 BASF FINA Petrochemicals Limited Partnership | Classification: AVERAGE          | Rating: 5.30      |
| Regulated Entity:                   | RN100216977 BASF FINA NAFTA REGION OLEFINS COMPLEX       | Classification: AVERAGE          | Site Rating: 5.30 |
|                                     | AIR OPERATING PERMITS                                    | PERMIT                           | 1877              |
|                                     | AIR OPERATING PERMITS                                    | ACCOUNT NUMBER                   | JE0843F           |
|                                     | AIR OPERATING PERMITS                                    | PERMIT                           | 2551              |
|                                     | AIR OPERATING PERMITS                                    | ACCOUNT NUMBER                   | JE0843F           |
|                                     | AIR OPERATING PERMITS                                    | PERMIT                           | 2629              |
|                                     | WASTEWATER   | PERMIT                           | WQ0004135000      |
|                                     | WASTEWATER   | PERMIT                           | TPDES0119369      |
|                                     | WASTEWATER   | PERMIT                           | TX0119369         |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | 36644             |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | PSDTX903          |
|                                     | AIR NEW SOURCE PERMITS                                   | ACCOUNT NUMBER                   | JE0843F           |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | 41945             |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | N007              |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | N007M2            |
|                                     | AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 75585             |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | N018              |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | N007M1            |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | P903M1            |
|                                     | AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 76480             |
|                                     | AIR NEW SOURCE PERMITS                                   | EPA ID                           | PSDTX903M1        |
|                                     | AIR NEW SOURCE PERMITS                                   | EPA ID                           | PSDTX903M2        |
|                                     | AIR NEW SOURCE PERMITS                                   | REGISTRATION                     | 79052             |
|                                     | AIR NEW SOURCE PERMITS                                   | PERMIT                           | 41945             |
|                                     | AIR NEW SOURCE PERMITS                                   | ACCOUNT NUMBER                   | JE0843F           |
|                                     | AIR NEW SOURCE PERMITS                                   | EPA ID                           | PSDTX950          |
|                                     | AIR NEW SOURCE PERMITS                                   | AFS NUM                          | 4824500182        |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE GENERATION                | EPA ID                           | TXR000039909      |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE GENERATION                | SOLID WASTE REGISTRATION # (SWR) | 86596             |

|   |   |   |
|---|---|---|
| ID Number(s):                                 |   |   |
| Location:                                     | Gate 99, Intersection of Hwy 73 and Hwy 366 | Rating Date: 9/1/2006 Repeat Violator: NO |
| TCEQ Region:                                  | REGION 10 - BEAUMONT                        |   |
| Date Compliance History Prepared:             | February 12, 2007                           |   |
| Agency Decision Requiring Compliance History: | Enforcement                                 |   |
| Compliance Period:                            | February 12, 2002 to February 12, 2007      |   |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Libby Hogue Phone: 512-239-1165

### Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

|     |   |                            |
|-----|---|----------------------------|
| N/A | Effective Date: 10/19/2006                            | ADMINORDER 2005-0456-AIR-E |
|     | Classification: Moderate                              |                            |
|     | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  |                            |
|     | 30 TAC Chapter 116, SubChapter B 116.115(b)           |                            |
|     | 30 TAC Chapter 116, SubChapter B 116.115(c)           |                            |
|     | 5C THC Chapter 382, SubChapter A 382.085(b)           |                            |
|     | Rqmt Prov: Permit 41945, PSD-TX-950, and N-018 PERMIT |                            |

Description: Failure to maintain an emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38454

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39497

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39496

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent emissions from the Flow Valve - Crude C4 Line in the C4 Complex. Incident No. 47680

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38856

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the High Pressure Flare (EPN P-7). Incident 38862

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incidents 38857, 38858, & 38860

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the Low Pressure Flare (EPN P-6). Incident 38861

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43641.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43644.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43650.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38858

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38860

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 56392

Effective Date: 02/17/2003

ADMINORDER 2002-0808-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT  
SC 1 PERMIT  
SC 18 PERMIT

Description: Failure to maintain NOX from the Supplemental Boiler Stack below the MAERT limit of 13.65 lb/hr and the limit for the Heat Specific Factor of .060 lb/MMBtu.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT  
SC 1 PERMIT  
SC 15 PERMIT

Description: Failure to maintain NOX from the Cogeneration Train 2 Stack below the MAERT limit of 26.96 lb/hr and the combined emissions from the gas turbine plus duct burner.

Effective Date: 11/02/2002

ADMINORDER 2002-0029-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.5  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent the discharge of such quantities of uncombined water as to create a traffic hazard and interfere with normal road use.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions during an upset on 11/28/01. The emergency bypass vent at the 92 Pipe Rack adjacent to the Thermal Oxidizer which is not a permitted source, released 88 pounds of VOC (benzene) over a 1 hr period.

Effective Date: 04/10/2005

ADMINORDER 2003-1317-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)(1)(B)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)  
30 TAC Chapter 101, SubChapter F 101.211(a)(1)(E)  
30 TAC Chapter 101, SubChapter F 101.211(b)(6)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the expected and actual times of scheduled start-up activities at the Ethylene Unit on the initial and final notifications for startup period November 6, 2001 through January 8, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset; failure to determine if emissions events were reportable.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the compounds and estimated quantities for the compounds of a reportable upset at the Ethylene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

23 PERMIT

23A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

20 PERMIT

PSD-TX-903, SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 26 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include types of compounds and estimated total quantities for NOx and CO on final report notifications.

Classification: Moderate

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

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

Description: Failure to maintain compliance with visible emission limitations for gas flares.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)[G]

30 TAC Chapter 101, SubChapter F 101.201(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a final report to the TCEQ Beaumont Regional Office within 14 days of the end of the event.

Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
 30 TAC Chapter 101, SubChapter F 101.211(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to make a final maintenance notification within 14 days of the end of the event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

|     |    |            |          |
|-----|----|------------|----------|
| N/A | 1  | 11/19/2002 | (234942) |
|     | 2  | 07/10/2002 | (106919) |
|     | 3  | 06/26/2002 | (106918) |
|     | 4  | 10/22/2002 | (234940) |
|     | 5  | 06/24/2002 | (106917) |
|     | 6  | 06/24/2002 | (106916) |
|     | 7  | 09/16/2002 | (234938) |
|     | 8  | 08/19/2002 | (234936) |
|     | 9  | 07/16/2003 | (112861) |
|     | 10 | 07/18/2002 | (234934) |
|     | 11 | 11/18/2002 | (15762)  |
|     | 12 | 06/01/2004 | (267732) |
|     | 13 | 03/30/2006 | (461163) |
|     | 14 | 11/06/2003 | (254209) |
|     | 15 | 06/24/2002 | (106915) |
|     | 16 | 06/27/2002 | (234932) |
|     | 17 | 11/03/2006 | (512514) |
|     | 18 | 08/10/2004 | (278952) |
|     | 19 | 07/23/2002 | (3001)   |
|     | 20 | 03/07/2005 | (338015) |
|     | 21 | 05/30/2002 | (234931) |
|     | 22 | 12/29/2003 | (257254) |
|     | 23 | 08/22/2006 | (461611) |
|     | 24 | 04/23/2002 | (234929) |
|     | 25 | 08/12/2005 | (402436) |
|     | 26 | 11/22/2004 | (278953) |
|     | 27 | 06/24/2002 | (106914) |
|     | 28 | 02/27/2004 | (261562) |
|     | 29 | 03/24/2003 | (234927) |
|     | 30 | 06/13/2002 | (106913) |
|     | 31 | 05/31/2002 | (106912) |
|     | 32 | 01/31/2007 | (537305) |
|     | 33 | 05/31/2002 | (106911) |
|     | 34 | 08/29/2002 | (3249)   |
|     | 35 | 04/05/2002 | (234926) |
|     | 36 | 05/17/2002 | (106910) |
|     | 37 | 02/23/2004 | (327651) |
|     | 38 | 05/16/2006 | (465406) |
|     | 39 | 05/02/2002 | (106909) |
|     | 40 | 02/20/2003 | (234925) |
|     | 41 | 08/12/2005 | (379097) |
|     | 42 | 03/22/2004 | (327652) |
|     | 43 | 02/18/2004 | (260861) |
|     | 44 | 09/26/2006 | (512738) |
|     | 45 | 05/02/2002 | (106908) |
|     | 46 | 02/10/2005 | (344242) |
|     | 47 | 04/22/2003 | (327653) |
|     | 48 | 05/02/2002 | (106907) |
|     | 49 | 07/27/2005 | (393566) |
|     | 50 | 03/04/2002 | (234924) |
|     | 51 | 04/16/2002 | (106906) |
|     | 52 | 02/11/2005 | (278954) |
|     | 53 | 05/22/2003 | (327654) |
|     | 54 | 04/16/2002 | (106905) |
|     | 55 | 04/03/2002 | (106904) |

|     |            |          |
|-----|------------|----------|
| 56  | 03/27/2002 | (106903) |
| 57  | 06/20/2003 | (327656) |
| 58  | 02/18/2005 | (348961) |
| 59  | 04/03/2003 | (16244)  |
| 60  | 07/07/2005 | (338249) |
| 61  | 06/17/2004 | (327657) |
| 62  | 06/10/2003 | (35909)  |
| 63  | 04/17/2003 | (29115)  |
| 64  | 03/01/2002 | (106902) |
| 65  | 07/22/2003 | (327658) |
| 66  | 02/22/2002 | (106901) |
| 67  | 08/22/2003 | (327659) |
| 68  | 02/22/2002 | (106900) |
| 69  | 09/23/2003 | (327660) |
| 70  | 02/14/2002 | (106899) |
| 71  | 12/20/2006 | (398261) |
| 72  | 02/18/2005 | (348919) |
| 73  | 03/30/2006 | (461169) |
| 74  | 02/14/2002 | (106898) |
| 75  | 10/17/2003 | (327661) |
| 76  | 05/10/2005 | (278956) |
| 77  | 10/28/2002 | (14750)  |
| 78  | 08/10/2004 | (278542) |
| 79  | 11/20/2003 | (327662) |
| 80  | 11/08/2002 | (15640)  |
| 81  | 12/19/2002 | (327663) |
| 82  | 02/27/2004 | (264339) |
| 83  | 02/26/2004 | (261623) |
| 84  | 12/29/2003 | (327664) |
| 85  | 02/08/2005 | (348963) |
| 86  | 01/16/2004 | (327665) |
| 87  | 09/18/2006 | (508808) |
| 88  | 02/10/2005 | (343973) |
| 89  | 08/23/2002 | (8418)   |
| 90  | 12/11/2003 | (144479) |
| 91  | 03/30/2005 | (344244) |
| 92  | 02/11/2005 | (278958) |
| 93  | 02/22/2006 | (492717) |
| 94  | 03/22/2006 | (492718) |
| 95  | 02/08/2007 | (537506) |
| 96  | 12/17/2003 | (248013) |
| 97  | 07/06/2005 | (398263) |
| 98  | 01/28/2003 | (21739)  |
| 99  | 10/21/2005 | (492719) |
| 100 | 02/27/2006 | (453972) |
| 101 | 04/22/2004 | (367172) |
| 102 | 11/28/2005 | (492720) |
| 103 | 05/18/2004 | (367173) |
| 104 | 12/20/2006 | (533392) |
| 105 | 12/21/2005 | (492721) |
| 106 | 07/19/2004 | (367174) |
| 107 | 07/03/2003 | (43208)  |
| 108 | 01/24/2006 | (492722) |
| 109 | 08/24/2004 | (367175) |
| 110 | 09/21/2004 | (367176) |
| 111 | 02/23/2005 | (427633) |
| 112 | 12/09/2005 | (436076) |
| 113 | 10/22/2004 | (367177) |
| 114 | 04/18/2005 | (427634) |
| 115 | 08/10/2005 | (399867) |
| 116 | 09/21/2004 | (367178) |
| 117 | 12/16/2005 | (437551) |
| 118 | 05/10/2005 | (427635) |
| 119 | 08/22/2006 | (487941) |
| 120 | 06/20/2005 | (427636) |
| 121 | 03/22/2005 | (390149) |
| 122 | 11/08/2002 | (15628)  |
| 123 | 12/22/2004 | (390150) |

|     |            |          |
|-----|------------|----------|
| 124 | 08/31/2005 | (285271) |
| 125 | 01/21/2005 | (390151) |
| 126 | 05/23/2006 | (461740) |
| 127 | 01/14/2004 | (259423) |
| 128 | 03/30/2006 | (460864) |
| 129 | 05/21/2004 | (267205) |
| 130 | 04/19/2006 | (506384) |
| 131 | 11/08/2002 | (15658)  |
| 132 | 05/23/2006 | (506385) |
| 133 | 03/30/2005 | (343817) |
| 134 | 06/19/2006 | (506386) |
| 135 | 03/03/2005 | (343703) |
| 136 | 05/22/2006 | (465286) |
| 137 | 02/10/2005 | (344219) |
| 138 | 05/21/2004 | (266870) |
| 139 | 02/11/2005 | (341798) |
| 140 | 03/03/2005 | (262072) |
| 141 | 09/05/2003 | (119152) |
| 142 | 02/09/2007 | (539274) |
| 143 | 08/24/2005 | (287879) |
| 144 | 05/12/2006 | (460115) |
| 145 | 05/21/2004 | (266755) |
| 146 | 11/10/2005 | (435935) |
| 147 | 04/25/2003 | (27482)  |
| 148 | 05/12/2004 | (270524) |
| 149 | 01/27/2006 | (450346) |
| 150 | 10/10/2002 | (10864)  |
| 151 | 11/15/2002 | (16299)  |
| 152 | 01/16/2004 | (259390) |
| 153 | 06/03/2005 | (378687) |
| 154 | 08/10/2004 | (278948) |
| 155 | 03/30/2005 | (344248) |
| 156 | 07/21/2006 | (528616) |
| 157 | 09/18/2006 | (489929) |
| 158 | 08/21/2006 | (528617) |
| 159 | 06/30/2005 | (392984) |
| 160 | 08/29/2006 | (510272) |
| 161 | 04/01/2005 | (344250) |
| 162 | 09/26/2006 | (528618) |
| 163 | 09/26/2006 | (528619) |
| 164 | 03/07/2005 | (344251) |
| 165 | 06/08/2006 | (465332) |
| 166 | 10/11/2002 | (10736)  |
| 167 | 02/11/2005 | (344252) |
| 168 | 08/10/2004 | (278949) |
| 169 | 02/10/2005 | (343769) |
| 170 | 02/27/2006 | (439417) |
| 171 | 09/01/2005 | (447656) |
| 172 | 12/17/2003 | (254861) |
| 173 | 03/30/2005 | (344253) |
| 174 | 10/10/2006 | (509369) |
| 175 | 07/05/2005 | (380492) |
| 176 | 08/23/2005 | (447657) |
| 177 | 09/18/2006 | (489930) |
| 178 | 09/19/2005 | (447658) |
| 179 | 05/13/2004 | (267724) |
| 180 | 03/24/2004 | (262485) |
| 181 | 12/06/2002 | (15624)  |
| 182 | 10/30/2003 | (253638) |
| 183 | 08/22/2002 | (5767)   |
| 184 | 01/15/2003 | (19957)  |
| 185 | 08/10/2004 | (278950) |
| 186 | 02/10/2005 | (343578) |
| 187 | 01/21/2003 | (234945) |
| 188 | 06/08/2006 | (337298) |
| 189 | 07/05/2005 | (398319) |

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

Date: 06/10/2002 (106915) \
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
   
 Rqmt Prov: OP PP1
   
 Description: PERMIT CONDITIONS

Date: 04/30/2002 (234931) 2
   
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
   
 TWC Chapter 26 26.121(a)[G]
   
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2002 (234929) 3
   
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
   
 TWC Chapter 26 26.121(a)[G]
   
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/10/2002 (106914) 4
   
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
   
 Description: MAERT LIMIT

Date: 06/10/2002 (106914) 4
   
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
   
 Description: MAERT LIMIT

Date: 06/10/2002 (106914) 4
   
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
   
 Description: PERMIT CONDITIONS

Date: 06/10/2002 (106914) 4
   
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
   
 Rqmt Prov: OP PP1
   
 Description: PERMIT CONDITIONS

Date: 02/26/2004 (261623) 5
   
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
   
 30 TAC Chapter 116, SubChapter B 116.115(c)
   
 5C THC Chapter 382, SubChapter A 382.085(b)
   
 Rqmt Prov: PERMIT Permit No. 36644; PSD-TX-903
   
 Description: On January 5, 2004, during the decoking process of Heater H-0800, an excess opacity event of greater than 5 percent occurred at EPN N-18.

Date: 02/28/2002 (234926) 6
   
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
   
 TWC Chapter 26 26.121(a)[G]
   
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/25/2002 (106902) 7
   
 Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
   
 Description: UNAUTHORIZED EMISSIONS

Date: 05/12/2006 (460115) 8
   
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
   
 30 TAC Chapter 101, SubChapter A 101.20(3)
   
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
   
 30 TAC Chapter 116, SubChapter B 116.115(c)
   
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 41945/PSD-TX-950/N-018, SC 13C

PERMIT 41945/PSD-TX-950/N-018, SC 2A

PERMIT 41945/PSD-TX-950/N-018, SC 2D

Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7.

Date: 05/07/2004 (267732) 9

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(5)

Description: Failure to properly complete uniform hazardous waste manifests.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to include an inventory of emergency equipment in the facility's contingency plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to include the addresses of the emergency coordinators in the facility's contingency plan.

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  
BASF FINA PETROCHEMICALS  
LIMITED PARTNERSHIP,  
RN100216977

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2006-1578-AIR-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF FINA Petrochemicals Limited Partnership ("BFLP") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and BFLP, presented this agreement to the Commission.

BFLP understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, BFLP agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon BFLP.

The Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

1. BFLP owns and operates a petrochemical plant at 2700 Highway 366 in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During inspections conducted on February 23, 2006, July 18, 2006, and February 5, 2007, a TCEQ Beaumont Regional Office investigator documented that BFLP:
  - a. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 22,283.08 pounds ("lbs") of volatile organic compounds ("VOCs") were released from emission point number ("EPN") F-1 in the Ethylene Cracker Unit during an emissions event (Incident No. 72035) that occurred on February 21, 2006 and lasted 5 hours and 15 minutes;
  - b. Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report. Specifically, the certifications were due to be submitted on March 30, 2005 and March 30, 2006, but were not submitted until March 31, 2005 and May 25, 2006 and several deviations were not included in the latter report;
  - c. Failed to operate the gas turbine and duct burner (EPN N-20A) in Co-generation Unit 1 within emissions limits of 15.3 lbs per hour ("lbs/hr") and 6 parts per million ("ppm") of nitrogen oxides ("NOx"), 53.9 lbs/hr and 50 ppm of carbon monoxide ("CO"), and 7.61 lbs/hr and 7 ppm of ammonia ("NH<sub>3</sub>"). Specifically, for the period from March 2003 through February 2006, NOx lbs/hr and ppm limits were exceeded 620 times, CO lbs/hr and ppm limits were exceeded 88 times, and NH<sub>3</sub> lbs/hr and ppm limits were exceeded 38 times;
  - d. Failed to operate the gas turbine and duct burner (EPN N-20B) in Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NOx and 7.61 lbs/hr and 7 ppm of NH<sub>3</sub>. Specifically, for the period from March 2003 through February 2006, NOx lbs/hr and ppm limits were exceeded 382 times, and NH<sub>3</sub> lbs/hr and ppm limits were exceeded 390 times;
  - e. Failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tons per year ("tpy") and firing rate limits of 0.06 lbs/million British thermal units ("MMBtu")/hr of NOx, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs. Specifically, for the period from March 2003 through February 2006, NOx lbs/hr, lbs/MMBtu/hr and tpy limits were exceeded 342 times, CO lbs/hr and lbs/MMBtu/hr limits were exceeded 410 times, and annual VOC limits were exceeded in calendar year 2005; and

- f. Failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower, Emission Point Number F-2, from impairing visibility on adjacent public roads on January 15, January 18, and February 2, 2007.
4. BFLP received notices of the violations on or about August 27, 2006 and February 14, 2007.
  5. The Executive Director recognizes that BFLP has implemented the following corrective measures at the Plant:
    - a. By March 19, 2007, in response to the February 21, 2006 emissions event (Violation Tracking No. 236112; Incident No. 72035):
      - i. Relocated the emulsion breaker injection point into T-1501 to the P-1501B suction header; and
      - ii. Installed a roto meter for water injection to the emulsion breaker.
    - b. In response to Violation Tracking No. 247665, submitted annual compliance certifications for the March 1, 2004 to February 28, 2005, and March 1, 2005 to February 28, 2006, certification periods on March 31, 2005, and May 25, 2006, respectively.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, BFLP is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 382.085 (b) and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., BFLP has failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1, and TEX. HEALTH & SAFETY CODE § 382.085 (b).
3. As evidenced by Finding of Fact No. 3.b., BFLP has failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(A), 122.146(2), and (5)(c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085 (b).

4. As evidenced by Finding of Fact No. 3.c., BFLP has failed to operate the gas turbine and duct burner (EPN N-20A) in Co-generation Unit 1 within emissions limits of 15.3 lbs/hr and 6 ppm of NO<sub>x</sub>, 53.9 lbs/hr and 50 ppm of CO, and 7.61 lbs/hr and 7 ppm of NH<sub>3</sub>, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1, 16A, and 16B, and TEX. HEALTH & SAFETY CODE § 382.085 (b).
5. As evidenced by Finding of Fact No. 3.d., BFLP has failed to operate the gas turbine and duct burner (EPN N-20B) in Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NO<sub>x</sub> and 7.61 lbs/hr and 7 ppm of NH<sub>3</sub>, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1, 16A, and 16B, and TEX. HEALTH & SAFETY CODE § 382.085 (b).
6. As evidenced by Finding of Fact No. 3.e., BFLP has failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tpy and firing rate limits of 0.06 lbs/MMBtu/hr of NO<sub>x</sub>, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Air Operating Permit No. O-01877, General Terms and Conditions, NSR Permit Nos. 36644, PSD-TX-903, and N-007, Special Conditions 1 and 21, and TEX. HEALTH & SAFETY CODE § 382.085 (b).
7. As evidenced by Finding of Fact No. 3.f., BFLP has failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower from impairing visibility on adjacent public roads, in violation of 30 TEX. ADMIN. CODE § 101.5 and TEX. HEALTH & SAFETY CODE § 382.085 (b).
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against BFLP for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of two hundred three thousand one hundred twenty-five dollars (\$203,125.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. One hundred one thousand five hundred sixty-two dollars (\$101,562.00) shall be conditionally offset by BFLP's completion of a Supplemental Environmental Project ("SEP"). BFLP has paid one hundred one thousand five hundred sixty-three dollars (\$101,563.00) of the administrative penalty.

## ORDERING PROVISIONS

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

1. BFLP is assessed an administrative penalty in the amount of two hundred three thousand one hundred twenty-five dollars (\$203,125.00) as set forth in Conclusion of Law No. 9 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and BFLP's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: BASF Fina Petrochemicals Limited Partnership; Docket No.2006-1578-AIR-E; Enforcement ID No. 31081" to:

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

2. BFLP shall implement and complete a SEP in accordance with TEX. WATER CODE §7.067. As set forth in Section II, Paragraph 9 above, one hundred one thousand five hundred sixty-two dollars (\$101,562.00) of the assessed administrative penalty shall be conditionally offset with the condition that BFLP implement the SEP defined in Attachment A, incorporated herein by reference. BFLP's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. BFLP shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. With regard to Violation Tracking No. 247665, BFLP shall submit documentation verifying that the deviations for the Auxiliary Boiler, for annual VOC exceedances that occurred during calendar year 2005 and the CO and NOx firing rate limit exceedances that occurred during August 2005 and February 2006 have been reported properly; and

- ii. With regard to Violation Tracking Nos. 247678, 247702, 247845, BFLP shall submit to the Air Permits Division an application to amend Permit Nos. 36644, PSD-TX-903, and N-007 ("Permit") to adjust the emission limits or averaging times for EPN N-20A (Cogeneration Unit 1 [GTG-1]), N-20B (Cogeneration Unit 2 [GTG-2]) and N-14 (Auxiliary Boiler [B-7240]) to better account for fluctuations in hourly and concentration-based emission rates due to changes in steam demand and other variable process conditions. BFLP shall respond completely and adequately, as determined by the Air Permits Division, to all requests for information by the Air Permits Division concerning the permit application within 30 days after the date of such request, or by any other reasonable deadline specified by the Air Permits Division.
- b. Within 45 days after the effective date of this Agreed Order, BFLP shall certify that it has complied with Ordering Provision 3.a. in accordance with Ordering Provision 3.f. below.
- c. With regard to Violation Tracking No. 265828:
  - i. By June 30, 2009, BFLP shall complete the installation and start-up of facilities designed to reduce the potential for water vapor from the Plant's cooling water system from impairing visibility on adjacent public roads (the project);
  - ii. Within 30 days after the effective date of this Agreed Order, BFLP shall submit to the TCEQ Regional Office a milestone schedule for the project implementation that will include the following: (1) completion of engineering; (2) ordering of equipment; (3) receipt of equipment on-site; (4) completion of installation of equipment; and (5) startup, which shall be no later than June 30, 2009; and
  - iii. Starting 45 days after the effective date of this Agreed Order, by the 15<sup>th</sup> day of each calendar quarter until the date that BFLP submits its certification of completion of the project referenced in Ordering Provisions 3.c.i. and 3.c.ii., BFLP shall submit a progress report to the TCEQ Regional Office providing the implementation status of the project.
- d. Within 180 days after the effective date of this Agreed Order, BFLP shall certify, in accordance with Ordering Provision 3.f. below, that the amendment to the Permit addressed in Ordering Provision 3.a.ii. has been issued. If an amendment has not been

issued by that date, or within the period of any extension granted by TCEQ, the facilities will remain subject to the existing limits in the Permit, unless and until such limits are adjusted by other permit action, and Respondent shall certify that it has taken all reasonable measures to operate Cogeneration Unit 1, Cogeneration Unit 2 and the Auxiliary Boiler to maintain emissions within those existing limits.

- e. By July 30, 2009, BFLP shall certify, in accordance with Ordering Provision 3.f. below, that it has complied with Ordering Provision 3.c.i.
- f. The certifications required by this Agreed Order shall be in writing, notarized by a State of Texas Notary Public, and include the following language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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."

The certifications shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and shall send a copy of the documentation to:

Air Quality Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

- 4. The provisions of this Agreed Order shall apply to and be binding upon BFLP. BFLP is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If BFLP fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, BFLP's failure to comply is not a violation of this Agreed Order. BFLP has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. BFLP shall notify the Executive Director within seven days after BFLP becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by BFLP shall be made in writing to the Executive Director. Extensions are not effective until BFLP receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to BFLP if the Executive Director determines that BFLP has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against BFLP in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to BFLP, or three days after the date on which the Commission mails notice of the Order to BFLP, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*[Handwritten Signature]*

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

*6/25/08*

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of BASF FINA Petrochemicals Limited Partnership. I represent that I am authorized to agree to the attached Agreed Order on behalf of BASF FINA Petrochemical Partnership, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, BASF FINA Petrochemicals Limited Partnership waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*[Handwritten Signature]*

\_\_\_\_\_  
Signature

*April 9<sup>th</sup>, 2008*

\_\_\_\_\_  
Date

*Christopher P Witte*

\_\_\_\_\_  
Name (printed or typed)

Authorized Representative

BASF FINA Petrochemicals Limited Partnership

*General Mgr - Part Arthur Site*

\_\_\_\_\_  
Title

Attachment A  
Docket Number: 2006-1578-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** **BASF Fina Petrochemicals Limited Partnership**

**Amount of Penalty:** **Two hundred three thousand one hundred twenty-five dollars**  
**(\$203,125)**

**Amount of Offset for the SEP:** **One hundred one thousand five hundred sixty-two dollars**  
**(\$101,562)**

**Type of SEP:** **Pre-approved**

**Third-Party Recipient:** **Southeast Texas Regional Planning Commission ("SETRPC")**  
*West Port Arthur Home Energy Efficiency Project*

**Location of SEP:** **Jefferson County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the **Southeast Texas Regional Planning Commission ("SETRPC")** *West Port Arthur Home Energy Efficiency Program*. The SETRPC will use the funds to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating the homes and appliances, as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action. All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Bob Dickinson  
Director, Transportation and Environmental Resources  
South East Texas Regional Planning Commission  
2210 Eastex Freeway  
Beaumont, TX 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP contribution, The Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.