

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0735-AIR-E TCEQ ID: RN100218049 CASE NOS.: 29798 AND 32129

RESPONDENT NAME: BASF CORPORATION

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
CASE TYPE:		
<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
<p>SITE WHERE VIOLATION(S) OCCURRED: 602 Copper Road, Freeport, Brazoria County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are two pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC 175, (713) 422-8914 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p>TCEQ Enforcement Coordinators: Mr. Terry Murphy, Air Enforcement Section, MC 149, (512) 239-5025 Ms. Trina Grieco, Air Enforcement Section, MC R-13, (210) 403-4006</p> <p>TCEQ Regional Contact: Mr. Joel Anderson, Houston Regional Office, MC R-12, (713) 767-3750</p> <p>SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223</p> <p>Respondent: Mr. Rod Kutz, Environmental Team Leader, BASF Corporation, 602 Copper Road, Freeport, TX 77541 Mr. Arthur R. Cowell, Vice President & General Manager, BASF Corporation, 602 Copper Road, Freeport, TX 77541</p> <p>Respondent's Attorney: Mr. Matthew Paulson, Baker Botts, LLP, 98 San Jacinto Blvd., Suite 1500, Austin, Texas 78701</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: March 17, 2004, March 4, 2005, March 13, 2006, March 22, 2006, August 14, 2006, September 20, 2006</p> <p>Date of NOE's Relating to this Case: May 4, 2004; April 19, 2005; September 15, 2006; May 10, 2006; May 25, 2006; and November 17, 2006</p> <p>Background Facts: On November 2, 2007, Litigation mailed a proposed Agreed Order to the Respondent. On November 9, 2007, the Respondent signed and returned the Agreed Order.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR</p> <p>1. Failed to maintain the catalytic oxidizer temperatures at required levels [30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c); 40 C.F.R. § 60.662; Air Permit No. 1733A, Special Condition 5; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to notify the TEQ prior to filling or refilling Tank D-60 C on February 1, 2004 [30 TEX. ADMIN. CODE § 101.20(1); 40 C.F.R. §§ 60.113b(a)(5) and 60.115b(a)(3); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to prevent the unauthorized emissions of 170 pounds (lbs), 156.5 lbs, 23.2 lbs, and 1,035 lbs of volatile organic compounds (VOCs) from the demethanator (EPN 11-1-101) on December 12, 2002, January 13, 2003, August 11, 2003, and October 21, 2003, respectively [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$87,120</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$43,560</p> <p>Total Paid to General Revenue: \$43,560</p> <p>The Respondent has paid \$43,560 of the administrative policy. The remainder of \$43,560 shall be conditionally offset by the Respondent's completion of a Supplement Environment Project (SEP).</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 1, 2002</p>	<p>Corrective Actions</p> <p>The Executive Director recognizes that the Respondent has taken the following corrective actions:</p> <ol style="list-style-type: none"> 1. On April 24, 2007, submitted a request to the TCEQ to amend NSR Permit No. 8074A that addresses emissions inherent in the OXO/Syngas process. 2. On February 24, 2005, obtained approval from the EPA to use an alternate demonstration protocol to that of maintaining the catalytic oxidizer, R-17 (EPN11-1-2), in the Cyclohexanone-2 Unit, at temperatures established by the January 2001 performance test. 3. On November 16, 2005, obtained authorization, by issuance of an amendment to Air Permit No. 1733A, for emissions from the demethanator (EPN 11-1-101). 4. In response to a TCEQ recommendation related to the November 1, 2004 emissions event, in November 2004, February 2006, August 2006, June 2007, and August 2007, reviewed its existing procedures to prevent compressor shutdowns. 5. In response to a TCEQ recommendation related to the February 7, 2006 emissions event, in February 2006, August 2006, June 2007, and August 2007, reviewed its existing procedures to prevent compressor shutdowns. 6. In response to a TCEQ recommendation related to the March 2, 2006 emissions event, in March 2006, directed its electrical contractor, Infiniti Construction Services, to develop new procedures for replacing covers to power panels. 7. In response to a TCEQ recommendation related to the July 25, 2006 emissions event, redesigned the air dryer recirculation line to include a check valve to prevent wet air from bypassing the air dryers.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to limit emissions from Flare 5-2-FL200 (EPN 5-2-02) in the OXO Alcohols Unit to those established by the permit. Specifically, the Flare emitted 0.35 lbs per hour (lbs/hr) of carbon monoxide (CO) and 111.9 lbs/hr of VOCs during a 5 hour and 41 minute emission event on November 1, 2004, while the emissions limited by the permit are 0.11 lbs/hr and 0.05 lb/hr, respectively [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to comply with permitted emission limits by allowing unauthorized emissions of 130 lbs of propylene to be released. The event occurred on July 25, 2006 and lasted for 1.2 hours [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,020.58 lbs of VOCs, 4,679.07 lbs of CO, and 128.75 lbs of nitrogen oxides (NOx) were released from EPN 5-2-02 in the OXO Alcohols/ Syngas Unit during an emissions event that began on August 22, 2006 and lasted 8 hours and 25 minutes [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to comply with permitted emissions. Specifically, during a 2.5 hour emissions event on February 7, 2006, the C-100A propylene recycle compressor shut down because it became overloaded during a production rate increase, resulting in emissions to EPN 5-2-02 in the OXO Alcohols/ Syngas [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8. Failed to comply with permitted emissions limit. Specifically, during a 6 hour emissions event on March 2, 2006, the OXO Alcohols/Syngas Unit shut down when an employee shut off the main breaker switch to the panel supplying power to the unit, resulting in emissions to EPN 5-2-02. The flare emitted 901 lbs of VOC, 108 lbs of NOx, and 3,492 lbs of CO, while the permits are 0.05, 0.03, and 0.11 lbs per hour, respectively [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>8. In response to a TCEQ recommendation related to the August 22, 2006 emissions event, scheduled the replacement of the S1 positioner with a new model during the April 2008 maintenance shutdown.</p> <p>Technical Requirements</p> <p>1. With respect to the application to amend TCEQ Permit No. 8074A to adjust the emission limits for FL-200A, which was submitted on April 24, 2007, respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests, or by any other deadline specified in writing.</p> <p>2. Within 240 days, submit written certification that an amendment to Permit No. 8074A with respect to FL-200A has been issued, or that FL-200A will remain subject to the existing emission limits in Permit No. 8074A unless and until adjusted by future permitting action.</p> <p>Ordering Provisions</p> <p>The Respondent shall implement and complete a Supplemental Environmental Project (SEP) as described in Attachment A of the Agreed Order.</p>

PCW 1



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

DATES	Assigned	27-Nov-2006	Screening	5-Jan-2007	EPA Due	17-Aug-2007
	PCW	1-Dec-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Corporation
Reg. Ent. Ref. No.	RN100218049
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	32129	No. of Violations	1	
Docket No.	2006-0735-AIR-E	Order Type	1660	
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

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
 Compliance History 79% Enhancement Subtotals 2, 3, & 7

Notes:

Culpability 0% Enhancement Subtotal 4

Notes:

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes:

Total EB Amounts 0% Enhancement* Subtotal 6
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment
Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

PAYABLE PENALTY

Screening Date 5-Jan-2007

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 32129

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100218049

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)	4	20%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes: Penalty enhancement due to four NOVs issued for same or similar violations, seven NOVs issued for non-similar violations, one agreed order issued with denial of liability, and one agreed order issued without denial of liability.

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

Screening Date 5-Jan-2007

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 32129

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number

Rule Cite(s) 30-Tex. Admin. Code § 116.115(c), New Source Review Permit No. 8074A, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,020.58 pounds ("lbs") of volatile organic compounds ("VOCs"), 4,679.07 lbs of carbon monoxide, and 128.75 lbs of nitrogen oxides were released from Emission Point Number 5-2-02 in the OXO Alcohols / SynGas Unit Unit during an emissions event that began on August 22, 2006 and lasted 8 hours and 25 minutes. Since the emissions event was avoidable, BASF Corporation failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to a significant amount of pollutants, including 665.72 lbs of highly reactive VOCs which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an 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

One single 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 Corporation
 Case ID No. 32129
 Reg. Ent. Reference No. RN100218049
 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
<small>No commas or \$</small>							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
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)	\$2,000	22-Aug-2006	1-Sep-2007	1.0	\$103	n/a	\$103

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the recurrence of unauthorized emissions due to the same causes. Date required based on the date of the release. Final date is 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 \$103

CH 1

Compliance History

Customer/Respondent/Owner-Operator: CN600124895 BASF Corporation Classification: AVERAGE Rating: 3.22
 Regulated Entity: RN100218049 BASF FREEPORT SITE Classification: AVERAGE Site Rating: 1.10

ID Number(s):	DESCRIPTION	ACCOUNT NUMBER	BL00210
	AIR OPERATING PERMITS	PERMIT	1536
	AIR OPERATING PERMITS	PERMIT	1925
	AIR OPERATING PERMITS	PERMIT	1926
	AIR OPERATING PERMITS	PERMIT	1927
	AIR OPERATING PERMITS	PERMIT	1928
	AIR OPERATING PERMITS	PERMIT	2158
	AIR OPERATING PERMITS	PERMIT	2159
	AIR OPERATING PERMITS	PERMIT	2907
	AIR OPERATING PERMITS	PERMIT	8074A
	AIR OPERATING PERMITS	PERMIT	1733A
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081697
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30024
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50128
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50128
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200501
	WASTEWATER	PERMIT	WQ0003977000
	WASTEWATER	PERMIT	TPDES0008788
	WASTEWATER	PERMIT	TX0008788
	AIR NEW SOURCE PERMITS	PERMIT	736
	AIR NEW SOURCE PERMITS	PERMIT	10310
	AIR NEW SOURCE PERMITS	PERMIT	10373
	AIR NEW SOURCE PERMITS	PERMIT	10388
	AIR NEW SOURCE PERMITS	PERMIT	10437
	AIR NEW SOURCE PERMITS	PERMIT	10554
	AIR NEW SOURCE PERMITS	PERMIT	10578
	AIR NEW SOURCE PERMITS	PERMIT	10634
	AIR NEW SOURCE PERMITS	PERMIT	10641
	AIR NEW SOURCE PERMITS	PERMIT	11080
	AIR NEW SOURCE PERMITS	PERMIT	11081
	AIR NEW SOURCE PERMITS	PERMIT	11286
	AIR NEW SOURCE PERMITS	PERMIT	7596A
	AIR NEW SOURCE PERMITS	PERMIT	7595A
	AIR NEW SOURCE PERMITS	PERMIT	7223A
	AIR NEW SOURCE PERMITS	PERMIT	735B
	AIR NEW SOURCE PERMITS	PERMIT	1396A
	AIR NEW SOURCE PERMITS	PERMIT	1390A
	AIR NEW SOURCE PERMITS	PERMIT	1395A
	AIR NEW SOURCE PERMITS	PERMIT	1733A
	AIR NEW SOURCE PERMITS	PERMIT	1391A
	AIR NEW SOURCE PERMITS	PERMIT	1392A
	AIR NEW SOURCE PERMITS	PERMIT	1445A
	AIR NEW SOURCE PERMITS	PERMIT	6773A
	AIR NEW SOURCE PERMITS	PERMIT	8074A
	AIR NEW SOURCE PERMITS	PERMIT	9513A
	AIR NEW SOURCE PERMITS	PERMIT	9494A
	AIR NEW SOURCE PERMITS	PERMIT	9603A
	AIR NEW SOURCE PERMITS	PERMIT	12952A
	AIR NEW SOURCE PERMITS	PERMIT	12957A
	AIR NEW SOURCE PERMITS	PERMIT	13481A
	AIR NEW SOURCE PERMITS	PERMIT	12277A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL00210
	AIR NEW SOURCE PERMITS	PERMIT	735C
	AIR NEW SOURCE PERMITS	PERMIT	19698
	AIR NEW SOURCE PERMITS	PERMIT	19886
	AIR NEW SOURCE PERMITS	PERMIT	31333
	AIR NEW SOURCE PERMITS	PERMIT	34793
	AIR NEW SOURCE PERMITS	PERMIT	35389
	AIR NEW SOURCE PERMITS	PERMIT	40799
	AIR NEW SOURCE PERMITS	PERMIT	42346
	AIR NEW SOURCE PERMITS	PERMIT	42856
	AIR NEW SOURCE PERMITS	PERMIT	46625
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX193M1
	AIR NEW SOURCE PERMITS	PERMIT	47112

AIR NEW SOURCE PERMITS	PERMIT	55239
AIR NEW SOURCE PERMITS	AFS NUM	0017
AIR NEW SOURCE PERMITS	REGISTRATION	56742
AIR NEW SOURCE PERMITS	EPA ID	PSDTX651M1
AIR NEW SOURCE PERMITS	REGISTRATION	71405
AIR NEW SOURCE PERMITS	REGISTRATION	71817
AIR NEW SOURCE PERMITS	PERMIT	56520
AIR NEW SOURCE PERMITS	PERMIT	71145
AIR NEW SOURCE PERMITS	PERMIT	54458
AIR NEW SOURCE PERMITS	PERMIT	54190
AIR NEW SOURCE PERMITS	REGISTRATION	72728
AIR NEW SOURCE PERMITS	REGISTRATION	73597
AIR NEW SOURCE PERMITS	PERMIT	74453
AIR NEW SOURCE PERMITS	REGISTRATION	74947
AIR NEW SOURCE PERMITS	REGISTRATION	76613
AIR NEW SOURCE PERMITS	REGISTRATION	77324
AIR NEW SOURCE PERMITS	REGISTRATION	77412
AIR NEW SOURCE PERMITS	PERMIT	78452
AIR NEW SOURCE PERMITS	REGISTRATION	79305
AIR NEW SOURCE PERMITS	REGISTRATION	79691
AIR NEW SOURCE PERMITS	REGISTRATION	80222
AIR NEW SOURCE PERMITS	REGISTRATION	74240
AIR NEW SOURCE PERMITS	REGISTRATION	80352
AIR NEW SOURCE PERMITS	REGISTRATION	80438
UNDERGROUND INJECTION CONTROL	PERMIT	WDW051
UNDERGROUND INJECTION CONTROL	PERMIT	WDW099
UNDERGROUND INJECTION CONTROL	PERMIT	WDW408
UNDERGROUND INJECTION CONTROL	PERMIT	WDW409
WATER LICENSING	LICENSE	0200501
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30024
UNDERGROUND INJECTION CONTROL WATER	PERMIT	WDW409

Location: 602 COPPER RD, FREEPORT, TX, 77541

Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 28, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 28, 2001 to November 28, 2006

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

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

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.

AO 1660 Effective Date: 08/07/2003 ADMINORDER 2001-0008-AIR-E

Classification: Moderate

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

Description: Failed to submit notifications of upsets that occurred on 5/1/00, 5/20/00 & 5/23/00 for Emergency Flares, Emission Point Numbers 12-1-2 and 12-1-48 located in the Hydroxylamine Unit.
Classification: Moderate

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

Rqmt Prov: Not specified PERMIT
Description: Failed to comply with the permitted NOx limits for EPNs 12-1-2 and 12-1-48 for the calendar year 1999.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT

Description: Exceeded the permitted hourly rates for NOx during upset events.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter J 335.323[G]
Description: Failed to pay outstanding Hazardous Waste Generation Fees and Non Hazardous Waste Generation fees for Fiscal Years 1998, 1999 and 2000.

Findings

Effective Date: 08/28/2004

ADMINORDER 2003-0222-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(a)

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

Rqmt Prov: SC 1 PERMIT

Description: Unauthorized and excessive emissions were released.

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	08/28/2003	(152903)
2	01/30/2003	(23083)
3	04/13/2003	(29647)
4	06/11/2002	(2490)
5	06/12/2002	(2504)
6	08/27/2002	(9254)
7	11/21/2002	(161416)
8	11/08/2005	(432025)
9	05/09/2006	(456731)
10	12/30/2004	(337803)
11	12/17/2001	(161419)
12	01/02/2006	(439777)
13	08/29/2003	(153030)
14	12/12/2002	(161420)
15	03/04/2004	(263240)
16	09/01/2006	(486347)
17	05/29/2003	(31351)
18	02/19/2003	(22915)
19	01/02/2006	(440234)
20	05/27/2004	(273826)
21	05/07/2004	(266213)
22	11/14/2006	(517775)
23	04/22/2005	(419961)
24	02/22/2006	(468854)
25	01/23/2002	(161423)
26	08/05/2004	(274585)
27	09/13/2004	(284657)
28	05/23/2005	(419962)
29	01/21/2003	(161424)
30	06/20/2005	(419963)
31	05/19/2006	(462792)
32	05/24/2005	(379291)
33	06/27/2006	(479895)
34	01/28/2004	(258683)
35	08/03/2005	(402980)
36	05/23/2005	(419964)
37	02/05/2003	(23551)
38	06/17/2005	(396245)
39	12/20/2004	(281723)
40	05/08/2006	(464770)
41	09/15/2006	(510723)
42	04/21/2006	(454595)

43	08/17/2004	(278836)
44	05/19/2006	(462793)
45	06/02/2004	(274107)
46	02/24/2003	(24796)
47	03/29/2006	(457262)
48	10/20/2004	(337752)
49	03/03/2005	(347495)
50	08/18/2004	(352725)
51	07/08/2003	(10794)
52	09/21/2004	(352726)
53	01/03/2005	(281278)
54	04/20/2006	(462472)
55	07/20/2006	(486350)
56	10/20/2004	(352727)
57	11/18/2002	(12311)
58	05/23/2005	(381384)
59	10/21/2003	(250208)
60	01/31/2005	(347355)
61	12/06/2004	(342105)
62	04/13/2003	(29644)
63	05/03/2004	(269890)
64	03/10/2005	(349400)
65	07/12/2006	(484356)
66	09/29/2004	(293381)
67	01/05/2005	(339041)
68	01/30/2004	(250213)
69	11/12/2004	(337392)
70	04/17/2006	(468855)
71	03/21/2006	(498483)
72	08/10/2005	(404111)
73	05/18/2006	(498484)
74	05/23/2005	(393169)
75	05/26/2004	(273606)
76	06/21/2006	(498485)
77	05/30/2002	(1827)
78	02/24/2004	(296673)
79	08/19/2004	(286312)
80	02/04/2004	(249697)
81	05/11/2005	(372974)
82	04/25/2005	(377465)
83	05/25/2006	(464223)
84	06/19/2006	(481723)
85	08/11/2005	(401786)
86	03/22/2003	(296675)
87	04/17/2006	(468856)
88	04/20/2004	(296676)
89	05/27/2004	(273809)
90	03/20/2003	(24039)
91	12/08/2003	(255468)
92	05/12/2005	(376490)
93	05/24/2002	(1615)
94	05/08/2006	(464623)
95	11/26/2003	(247665)
96	03/28/2006	(450863)
97	05/08/2006	(464383)
98	05/17/2004	(296679)
99	06/17/2004	(273337)
100	08/29/2002	(5844)
101	11/16/2005	(468857)
102	01/30/2006	(450778)
103	08/02/2005	(402694)
104	06/21/2004	(296681)
105	08/14/2006	(484324)
106	11/20/2006	(513396)
107	04/12/2004	(265264)
108	08/21/2006	(520485)
109	06/21/2004	(296683)
110	09/22/2006	(520486)
111	06/10/2002	(2449)
112	08/19/2003	(296685)
113	09/01/2004	(279375)

114	04/25/2005	(377466)
115	08/28/2003	(152792)
116	06/27/2006	(483624)
117	12/20/2005	(468858)
118	09/23/2003	(296687)
119	02/25/2002	(161382)
120	08/18/2004	(286229)
121	02/24/2003	(161383)
122	08/02/2005	(402492)
123	03/23/2005	(347356)
124	05/24/2005	(379611)
125	10/23/2003	(296689)
126	08/05/2004	(274590)
127	01/30/2006	(450256)
128	03/29/2006	(457427)
129	12/30/2005	(436666)
130	03/22/2002	(161385)
131	09/08/2006	(490204)
132	11/21/2003	(296690)
133	09/23/2004	(334721)
134	03/18/2003	(161386)
135	08/19/2005	(441078)
136	09/21/2005	(441079)
137	12/29/2003	(296692)
138	08/30/2002	(2406)
139	09/23/2004	(290934)
140	04/04/2006	(458505)
141	10/21/2005	(441080)
142	01/23/2004	(296693)
143	11/08/2004	(336518)
144	05/16/2006	(465894)
145	10/22/2003	(252701)
146	02/09/2004	(259451)
147	10/21/2005	(441081)
148	12/30/2004	(338117)
149	09/01/2006	(489607)
150	12/02/2005	(405555)
151	12/09/2004	(339233)
152	06/17/2005	(396050)
153	06/06/2005	(394016)
154	01/03/2005	(345085)
155	08/02/2005	(401794)
156	05/19/2004	(272261)
157	08/27/2003	(152689)
158	04/18/2002	(161390)
159	12/20/2004	(287154)
160	08/09/2002	(2405)
161	07/12/2006	(483737)
162	04/17/2003	(161391)
163	06/13/2005	(378146)
164	07/30/2002	(2404)
165	05/04/2004	(250402)
166	02/23/2005	(382105)
167	05/12/2006	(465545)
168	08/29/2002	(2402)
169	03/21/2005	(382106)
170	10/19/2004	(293378)
171	04/13/2004	(249696)
172	11/23/2004	(382107)
173	04/28/2004	(264648)
174	08/05/2004	(274595)
175	03/30/2006	(452957)
176	07/28/2003	(119109)
177	12/15/2004	(382108)
178	05/10/2006	(463574)
179	05/24/2002	(161394)
180	07/20/2006	(486367)
181	03/29/2006	(456450)
182	01/21/2005	(382109)
183	05/20/2003	(161395)
184	07/28/2003	(38139)

185 05/05/2003 (35365)
 186 04/12/2004 (265591)
 187 03/28/2006 (456877)
 188 12/28/2004 (275252)
 189 03/03/2005 (349394)
 190 02/03/2006 (450363)
 191 07/14/2005 (397522)
 192 03/31/2004 (250406)
 193 02/14/2006 (453833)
 194 06/24/2002 (161398)
 195 01/20/2006 (451686)
 196 05/21/2004 (250203)
 197 06/20/2003 (161399)
 198 03/28/2006 (456881)
 199 09/02/2004 (247960)
 200 06/09/2004 (256599)
 201 08/10/2005 (402755)
 202 08/24/2006 (510032)
 203 09/01/2006 (489452)
 204 04/17/2006 (460116)
 205 04/19/2005 (373770)
 206 03/12/2003 (24596)
 207 12/08/2005 (403855)
 208 03/03/2005 (349369)
 209 03/28/2006 (456834)
 210 04/28/2006 (457444)
 211 07/22/2002 (161402)
 212 05/20/2003 (161403)
 213 12/16/2004 (339143)
 214 08/03/2005 (403000)
 215 10/07/2003 (251052)
 216 12/21/2004 (289777)
 217 04/25/2003 (29326)
 218 09/01/2006 (486203)
 219 08/16/2002 (161406)
 220 08/31/2006 (509144)
 221 09/30/2004 (293375)
 222 03/28/2006 (456991)
 223 12/30/2004 (338316)
 224 05/08/2006 (464642)
 225 12/09/2004 (339374)
 226 03/15/2004 (249699)
 227 12/12/2003 (250207)
 228 09/23/2002 (161409)
 229 05/03/2004 (269887)
 230 09/25/2003 (285489)
 231 09/19/2005 (418588)
 232 01/17/2006 (436507)
 233 10/22/2002 (161412)

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

S/S **Date:** 09/28/2004 (293381)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: The RE failed to control VOC emissions during an unloading operation

NS **Date:** 03/31/2004 (250406)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: Failure to operate as represented in the NSR Permit No. 19886 Application dated August, 1995.

S/S **Date:** 03/15/2004 (249699)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: Failure to comply with the emission limits set forth in TCEQ Permit No. 8074A, SC No. 1.

NS **Date:** 05/26/2004 (250203)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to conduct the testing as required by the prescribed method.

NS

Date: 08/11/2005 (401786)

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA
Description: Failing to operate the CEMS of the Boilers, 20A and 20C in the time shared mode during the RATA testing.

S/S

Date: 08/28/2003 (152792)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT IA
Description: Unauthorized emissions resulting from failure to comply with the reporting requirements of 30 TAC 101.201(a)(1).

S/S

Date: 10/19/2004 (293378)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA IA
Description: The RE failed to control the CO and NOx emissions associated with the boilers B-20-A and B-20-C

NS

Date: 03/28/2006 (456877)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.271(c)(1)

Rqmt Prov: OP IA
Description: Failure to conduct monthly monitoring of the closed vent systems for three units.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to plug open-ended lines or valves.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to submit a copy of the final sampling report within 45 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

Description: Failure to conduct CEMS certification testing within 60 days after the installation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP IA

Description: Failure to report all deviations in the semiannual deviation report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
PERMIT IA
Description: Failure to comply with the applicable requirements of 40 CFR 60, Subpart NNN

NS

Date: 04/13/2004 (249696)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
Description: IV List of Report Attachments
1) Process Flow Diagram (Confidential)
2) Investigation Notes to Potential Violations and/or Records Request
3) Notifications
4) Fugitive Leaking Component Log
5) Letter Dated March 26, 2004

NS

Date: 02/15/2006 (453833)
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
Description: Failure to record weekly walkthrough observations on 16 occasions.
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(vii)

Rqmt Prov: OP IA
Description: Failure to conduct a weekly automatic waste feed cut off (AWFCO) test for the incinerator.

Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)(3)

Rqmt Prov: OP IA
Description: Failure to perform a follow up leak verification check within 30 days of bringing a unit back online.

Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)

Rqmt Prov: OP IA
Description: Failure to initially install bypass valves with car-seal valves.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP IA
Description: Failure to report all deviations that occurred during the reporting period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Rqmt Prov: OP IA
Description: Failure to set automatic waste feed cut offs to the incinerator to rolling average

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
Description: Failure to conduct CEMS certification testing within 60 days after the installation of the system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)

Rqmt Prov: OP IA
Description: Failure to collect a minimum of three sets of samples during the quarterly cooling tower sampling.

NS

Date: 06/21/2006 (510032)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Case: Sherronda, case 4-29-06 ee PCW app
Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision April 25, 2006

DATES	Assigned PCW 11-Sep-2006	Screening 24-Sep-2006	EPA Due 21-Jun-2007
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RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Corporation
Reg. Ent. Ref. No.	RN100218049
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	29798	No. of Violations	1
Docket No.	2006-0735-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	74% Enhancement	<i>Subtotal 2, 3, & 7</i>	\$1,850
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Notes: Penalty enhancement due to four similar NOVs for the same or similar violations, seven NOVs for unrelated violations, and two 1660-style orders.

Culpability	No	0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Efforts to Comply	0% Reduction	<i>Subtotal 5</i>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

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

Economic Benefit	0% Enhancement	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$228	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$4,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$4,350

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,350
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DEFERRAL	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is offered for non-expedited cases.

PAYABLE PENALTY	\$4,350
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PCW 2

Screening Date 24-Sep-2006 Docket No. 2006-0735-AIR-E PGW
 Respondent BASF Corporation Policy Revision 2 (September 2002)
 Case ID No. 29798 PCW Revision April 25, 2006
 Reg. Ent. Reference No. RN100218049
 Media [Statute]: Air Quality
 Enf. Coordinator Terry Murphy

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 (<i>number of NOV's meeting criteria</i>)	4	20%
	Other written NOV's	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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) 74%

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes
 Penalty enhancement due to four similar NOV's for the same or similar violations, seven NOV's for unrelated violations, and two 1660-style orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 74%

Screening Date 24-Sep-2006

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 29798

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c) and NSR Permit No. 8074A, Special Condition No. 1

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with permitted emission limits by allowing unauthorized emissions of 130 pounds ("lbs") of propylene to be released. The event occurred on July 25, 2006 and lasted for 1.2 hours. Specifically, BASF failed to prevent the accumulation of moisture in the instrument air of the OXO Alcohols/Syn Gas Unit, which resulted in a unit shutdown. Because the emissions event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222. This violation was documented during an investigation conducted on August 14, 2006.

Base Penalty \$10,000

Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual			X	Percent 25%	
	Potential					

Programmatic Matrix

		Falsification	Major	Moderate	Minor		
						Percent	

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do 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 1 Number of violation days 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$228

Violation Final Penalty Total \$4,350

This violation Final Assessed Penalty (adjusted for limits) \$4,350

Economic Benefit Worksheet

Respondent: BASF Corporation
 Case ID No.: 29798
 Reg. Ent. Reference No.: RN100218049
 Media [Statute]: Air Quality
 Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description: No commas or \$

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
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)	\$3,000	25-Jul-2006	01-Feb-2008	1.5	\$228	n/a	\$228

Notes for DELAYED costs

Estimated costs to develop and implement operating procedure improvements to prevent the recurrence of the incident. Date required is the date of the emission event and the final date is the expected date of 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 **\$3,000**

TOTAL **\$228**

Compliance History

CH2

Customer/Respondent/Owner-Operator:	CN600124895	BASF Corporation	Classification: AVERAGE	Rating: 3.22
Regulated Entity:	RN100218049	BASF FREEPORT SITE	Classification: AVERAGE	Site Rating: 1.10

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0021O
	AIR OPERATING PERMITS	PERMIT	1536
	AIR OPERATING PERMITS	PERMIT	1925
	AIR OPERATING PERMITS	PERMIT	1926
	AIR OPERATING PERMITS	PERMIT	1927
	AIR OPERATING PERMITS	PERMIT	1928
	AIR OPERATING PERMITS	PERMIT	2158
	AIR OPERATING PERMITS	PERMIT	2159
	AIR OPERATING PERMITS	PERMIT	2907
	AIR OPERATING PERMITS	PERMIT	8074A
	AIR OPERATING PERMITS	PERMIT	1733A
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081697
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30024
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50128
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50128
	PUBLIC WATER SYSTEM/SUPPLY WASTEWATER	REGISTRATION	0200501
	WASTEWATER	PERMIT	WQ0003977000
	WASTEWATER	PERMIT	TPDES0008788
	WASTEWATER	PERMIT	TX0008788
	AIR NEW SOURCE PERMITS	PERMIT	736
	AIR NEW SOURCE PERMITS	PERMIT	10310
	AIR NEW SOURCE PERMITS	PERMIT	10373
	AIR NEW SOURCE PERMITS	PERMIT	10388
	AIR NEW SOURCE PERMITS	PERMIT	10437
	AIR NEW SOURCE PERMITS	PERMIT	10554
	AIR NEW SOURCE PERMITS	PERMIT	10578
	AIR NEW SOURCE PERMITS	PERMIT	10634
	AIR NEW SOURCE PERMITS	PERMIT	10641
	AIR NEW SOURCE PERMITS	PERMIT	11080
	AIR NEW SOURCE PERMITS	PERMIT	11081
	AIR NEW SOURCE PERMITS	PERMIT	11286
	AIR NEW SOURCE PERMITS	PERMIT	7596A
	AIR NEW SOURCE PERMITS	PERMIT	7595A
	AIR NEW SOURCE PERMITS	PERMIT	7223A
	AIR NEW SOURCE PERMITS	PERMIT	4974A
	AIR NEW SOURCE PERMITS	PERMIT	735B
	AIR NEW SOURCE PERMITS	PERMIT	1396A
	AIR NEW SOURCE PERMITS	PERMIT	1390A
	AIR NEW SOURCE PERMITS	PERMIT	1395A
	AIR NEW SOURCE PERMITS	PERMIT	1733A
	AIR NEW SOURCE PERMITS	PERMIT	1391A
	AIR NEW SOURCE PERMITS	PERMIT	1392A
	AIR NEW SOURCE PERMITS	PERMIT	1445A
	AIR NEW SOURCE PERMITS	PERMIT	6773A
	AIR NEW SOURCE PERMITS	PERMIT	8074A
	AIR NEW SOURCE PERMITS	PERMIT	9513A
	AIR NEW SOURCE PERMITS	PERMIT	9494A
	AIR NEW SOURCE PERMITS	PERMIT	9603A
	AIR NEW SOURCE PERMITS	PERMIT	12952A
	AIR NEW SOURCE PERMITS	PERMIT	12957A
	AIR NEW SOURCE PERMITS	PERMIT	13481A
	AIR NEW SOURCE PERMITS	PERMIT	12277A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0021O
	AIR NEW SOURCE PERMITS	PERMIT	735C
	AIR NEW SOURCE PERMITS	PERMIT	19698
	AIR NEW SOURCE PERMITS	PERMIT	19886
	AIR NEW SOURCE PERMITS	PERMIT	31333
	AIR NEW SOURCE PERMITS	PERMIT	34793
	AIR NEW SOURCE PERMITS	PERMIT	35389
	AIR NEW SOURCE PERMITS	PERMIT	40799
	AIR NEW SOURCE PERMITS	PERMIT	42346
	AIR NEW SOURCE PERMITS	PERMIT	42856
	AIR NEW SOURCE PERMITS	PERMIT	46625
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX193M1
	AIR NEW SOURCE PERMITS	PERMIT	47112
	AIR NEW SOURCE PERMITS	PERMIT	55239
	AIR NEW SOURCE PERMITS	AFS NUM	0017
	AIR NEW SOURCE PERMITS	REGISTRATION	56742

AIR NEW SOURCE PERMITS	EPA ID	PSDTX651M1
AIR NEW SOURCE PERMITS	REGISTRATION	71405
AIR NEW SOURCE PERMITS	REGISTRATION	71817
AIR NEW SOURCE PERMITS	PERMIT	56520
AIR NEW SOURCE PERMITS	PERMIT	71145
AIR NEW SOURCE PERMITS	PERMIT	54458
AIR NEW SOURCE PERMITS	PERMIT	54190
AIR NEW SOURCE PERMITS	REGISTRATION	72728
AIR NEW SOURCE PERMITS	REGISTRATION	73597
AIR NEW SOURCE PERMITS	PERMIT	74453
AIR NEW SOURCE PERMITS	REGISTRATION	74947
AIR NEW SOURCE PERMITS	REGISTRATION	76613
AIR NEW SOURCE PERMITS	REGISTRATION	77324
AIR NEW SOURCE PERMITS	REGISTRATION	77412
AIR NEW SOURCE PERMITS	PERMIT	78452
AIR NEW SOURCE PERMITS	REGISTRATION	79305
AIR NEW SOURCE PERMITS	REGISTRATION	79691
UNDERGROUND INJECTION CONTROL	PERMIT	WDW051
UNDERGROUND INJECTION CONTROL	PERMIT	WDW099
UNDERGROUND INJECTION CONTROL	PERMIT	WDW408
UNDERGROUND INJECTION CONTROL	PERMIT	WDW409
WATER LICENSING	LICENSE	0200501
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30024
UNDERGROUND INJECTION CONTROL	PERMIT	WDW409
WATER		

Location: 602 COPPER RD, FREEPORT, TX, 77541 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 23, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 23, 2001 to October 23, 2006

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

Name: Sherronda Martin Phone: 713-767-3680

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.
Effective Date: 08/07/2003 ADMINORDER 2001-0008-AIR-E

Classification: Moderate

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

Description: Failed to submit notifications of upsets that occurred on 5/1/00, 5/20/00 & 5/23/00 for Emergency Flares, Emission Point Numbers 12-1-2 and 12-1-48 located in the Hydroxylamine Unit.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT

Description: Failed to comply with the permitted NOx limits for EPNs 12-1-2 and 12-1-48 for the calendar year 1999.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT

Description: Exceeded the permitted hourly rates for NOx during upset events.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter J 335.323[G]
Description: Failed to pay outstanding Hazardous Waste Generation Fees and Non Hazardous Waste Generation fees for Fiscal Years 1998, 1999 and 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(a)

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

Rqmt Prov: SC 1 PERMIT

Description: Unauthorized and excessive emissions were released.

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. (CEEDS Inv, Track. No.)

1	08/28/2003	(152903)	115	09/23/2003	(296687)
2	01/30/2003	(23083)	116	02/25/2002	(161382)
3	04/13/2003	(29647)	117	08/18/2004	(286229)
4	06/11/2002	(2490)	118	02/24/2003	(161383)
5	11/16/2001	(161415)	119	08/02/2005	(402492)
6	06/12/2002	(2504)	120	03/23/2005	(347356)
7	08/27/2002	(9254)	121	05/24/2005	(379611)
8	11/21/2002	(161416)	122	10/23/2003	(296689)
9	11/08/2005	(432025)	123	08/05/2004	(274590)
10	05/09/2006	(456731)	124	01/30/2006	(450256)
11	12/30/2004	(337803)	125	03/29/2006	(457427)
12	12/17/2001	(161419)	126	12/30/2005	(436666)
13	01/02/2006	(439777)	127	03/22/2002	(161385)
14	08/29/2003	(153030)	128	09/08/2006	(490204)
15	12/12/2002	(161420)	129	11/21/2003	(296690)
16	03/04/2004	(263240)	130	09/23/2004	(334721)
17	09/01/2006	(486347)	131	03/18/2003	(161386)
18	05/29/2003	(31351)	132	08/19/2005	(441078)
19	02/19/2003	(22915)	133	09/21/2005	(441079)
20	01/02/2006	(440234)	134	12/29/2003	(296692)
21	05/27/2004	(273826)	135	08/30/2002	(2406)
22	05/07/2004	(266213)	136	09/23/2004	(290934)
23	04/22/2005	(419961)	137	04/04/2006	(458505)
24	02/22/2006	(468854)	138	10/21/2005	(441080)
25	01/23/2002	(161423)	139	01/23/2004	(296693)
26	08/05/2004	(274585)	140	11/08/2004	(336518)
27	09/13/2004	(284657)	141	05/16/2006	(465894)
28	05/23/2005	(419962)	142	10/22/2003	(252701)
29	01/21/2003	(161424)	143	02/09/2004	(259451)
30	06/20/2005	(419963)	144	10/21/2005	(441081)
31	05/19/2006	(462792)	145	12/30/2004	(338117)
32	05/24/2005	(379291)	146	09/01/2006	(489607)
33	06/27/2006	(479895)	147	12/02/2005	(405555)
34	01/28/2004	(258683)	148	12/09/2004	(339233)
35	08/03/2005	(402980)	149	06/17/2005	(396050)
36	05/23/2005	(419964)	150	06/06/2005	(394016)
37	02/05/2003	(23551)	151	01/03/2005	(345085)
38	06/17/2005	(396245)	152	08/02/2005	(401794)
39	12/20/2004	(281723)	153	05/19/2004	(272261)
40	05/08/2006	(464770)	154	08/27/2003	(152689)
41	09/15/2006	(510723)	155	04/18/2002	(161390)
42	04/21/2006	(454595)	156	12/20/2004	(287154)
43	08/17/2004	(278836)	157	08/09/2002	(2405)
44	05/19/2006	(462793)	158	07/12/2006	(483737)
45	06/02/2004	(274107)	159	04/17/2003	(161391)
46	02/24/2003	(24796)	160	06/13/2005	(378146)
47	03/29/2006	(457262)	161	07/30/2002	(2404)
48	10/20/2004	(337752)	162	05/04/2004	(250402)
49	03/03/2005	(347495)	163	02/23/2005	(382105)
50	08/18/2004	(352725)	164	05/12/2006	(465545)
51	07/08/2003	(10794)	165	08/29/2002	(2402)
52	09/21/2004	(352726)	166	03/21/2005	(382106)
53	01/03/2005	(281278)	167	10/19/2004	(293378)
54	04/20/2006	(462472)	168	04/13/2004	(249696)
55	07/20/2006	(486350)	169	11/23/2004	(382107)
56	10/20/2004	(352727)	170	04/28/2004	(264648)
57	11/18/2002	(12311)	171	08/05/2004	(274595)
58	05/23/2005	(381384)	172	03/30/2006	(452957)
			173	07/28/2003	(119109)
			174	12/15/2004	(382108)
			175	05/10/2006	(463574)

59	10/21/2003	(250208)	176	05/24/2002	(161394)
60	01/31/2005	(347355)	177	07/20/2006	(486367)
61	12/06/2004	(342105)	178	03/29/2006	(456450)
62	04/13/2003	(29644)	179	01/21/2005	(382109)
63	05/03/2004	(269890)	180	05/20/2003	(161395)
64	03/10/2005	(349400)	181	07/28/2003	(38139)
65	07/12/2006	(484356)	182	05/05/2003	(35365)
66	09/29/2004	(293381)	183	04/12/2004	(265591)
67	01/05/2005	(339041)	184	03/28/2006	(456877)
68	01/30/2004	(250213)	185	12/28/2004	(275252)
69	11/12/2004	(337392)	186	03/03/2005	(349394)
70	04/17/2006	(468855)	187	02/03/2006	(450383)
71	03/21/2006	(498483)	188	07/14/2005	(397522)
72	08/10/2005	(404111)	189	03/31/2004	(250406)
73	05/18/2006	(498484)	190	02/14/2006	(453833)
74	05/23/2005	(393169)	191	06/24/2002	(161398)
75	05/26/2004	(273606)	192	01/20/2006	(451686)
76	06/21/2006	(498485)	193	05/21/2004	(250203)
77	05/30/2002	(1827)	194	06/20/2003	(161399)
78	02/24/2004	(296673)	195	03/28/2006	(456881)
79	08/19/2004	(286312)	196	09/02/2004	(247960)
80	02/04/2004	(249697)	197	06/09/2004	(256599)
81	05/11/2005	(372974)	198	08/10/2005	(402755)
82	04/25/2005	(377465)	199	08/24/2006	(510032)
83	05/25/2006	(464223)	200	09/01/2006	(489452)
84	06/19/2006	(481723)	201	04/17/2006	(460116)
85	08/11/2005	(401786)	202	04/19/2005	(373770)
86	03/22/2003	(296675)	203	03/12/2003	(24596)
87	04/17/2006	(468856)	204	12/08/2005	(403855)
88	04/20/2004	(296676)	205	03/03/2005	(349369)
89	05/27/2004	(273809)	206	03/28/2006	(456834)
90	03/20/2003	(24039)	207	04/28/2006	(457444)
91	12/08/2003	(255468)	208	07/22/2002	(161402)
92	05/12/2005	(376490)	209	05/20/2003	(161403)
93	05/24/2002	(1615)	210	12/16/2004	(339143)
94	05/08/2006	(464623)	211	08/03/2005	(403000)
95	11/26/2003	(247665)	212	10/07/2003	(251052)
96	03/28/2006	(450863)	213	12/21/2004	(289777)
97	05/08/2006	(464383)	214	04/25/2003	(29326)
98	05/17/2004	(296679)	215	09/01/2006	(486203)
99	06/17/2004	(273337)	216	08/16/2002	(161406)
100	08/29/2002	(5844)	217	08/31/2006	(509144)
101	11/16/2005	(468857)	218	09/30/2004	(293375)
102	01/30/2006	(450778)	219	03/28/2006	(456991)
103	08/02/2005	(402694)	220	12/30/2004	(338316)
104	06/21/2004	(296681)	221	05/08/2006	(464642)
105	08/14/2006	(484324)	222	12/09/2004	(339374)
106	04/12/2004	(265264)	223	03/15/2004	(249699)
107	06/21/2004	(296683)	224	12/12/2003	(250207)
108	06/10/2002	(2449)	225	09/23/2002	(161409)
109	08/19/2003	(296685)	226	05/03/2004	(269887)
110	09/01/2004	(279375)	227	09/25/2003	(285489)
111	04/25/2005	(377466)	228	09/19/2005	(418588)
112	08/28/2003	(152792)	229	01/17/2006	(436507)
113	06/27/2006	(483624)	230	10/22/2002	(161412)
114	12/20/2005	(468858)			

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

Date: 09/28/2004 (293381)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: The RE failed to control VOC emissions during an unloading operation

Date: 03/31/2004 (250406)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: Failure to operate as represented in the NSR Permit No. 19886 Application dated August, 1995.

Date: 03/15/2004 (249699)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA
Description: Failure to comply with the emission limits set forth in TCEQ Permit No. 8074A, SC No. 1.
Date: 05/26/2004 (250203)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to conduct the testing as required by the prescribed method.
Date: 08/11/2005 (401786)
Self Report? NO Classification: Moderate
Rqmt Prov: PERMIT IA
Description: Failing to operate the CEMS of the Boilers, 20A and 20C in the time shared mode during the RATA testing.
Date: 08/28/2003 (152792)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Unauthorized emissions resulting from failure to comply with the reporting requirements of 30 TAC 101.201(a)(1).
Date: 10/19/2004 (293378)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: The RE failed to control the CO and NOx emissions associated with the boilers B-20-A and B-20-C
Date: 03/28/2006 (456877)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(I)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.271(c)(1)
Rqmt Prov: OP IA
Description: Failure to conduct monthly monitoring of the closed vent systems for three units.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to plug open-ended lines or valves.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to submit a copy of the final sampling report within 45 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(I)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: Failure to conduct CEMS certification testing within 60 days after the installation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Rqmt Prov: OP IA
Description: Failure to report all deviations in the semiannual deviation report.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to comply with the applicable requirements of 40 CFR 60, Subpart NNN

Date: 04/13/2004 (249696)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 Description: Failure to include reason for delay of repair of leaking fugitive monitoring components in the 40 CFR Subpart VV semiannual reports.

Date: 02/15/2006 (453633)
 Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP IA
 Description: Failure to record weekly walkthrough observations on 16 occasions.

Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(vii)
 Rqmt Prov: OP IA
 Description: Failure to conduct a weekly automatic waste feed cut off (AWFCO) test for the incinerator.

Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)(3)
 Rqmt Prov: OP IA
 Description: Failure to perform a follow up leak verification check within 30 days of bringing a unit back online.

Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)
 Rqmt Prov: OP IA
 Description: Failure to initially install bypass valves with car-seal valves.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Rqmt Prov: OP IA
 Description: Failure to report all deviations that occurred during the reporting period.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
 Rqmt Prov: OP IA
 Description: Failure to set automatic waste feed cut offs to the incinerator to rolling average

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP IA
 Description: Failure to conduct CEMS certification testing within 60 days after the installation of the system.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)
 Rqmt Prov: OP IA
 Description: Failure to collect a minimum of three sets of samples during the quarterly cooling tower sampling.

Date: 06/21/2006 (510032)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)
Policy Revision 2 (September 2002) PCW Revision May 03, 2005

DATES	Assigned	25-Apr-2005	Screening	27-Apr-2005	Priority Due	24-Jun-2005	EPA Due	15-Feb-2006
	PCW	27-Jul-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Corporation
Reg. Ent. Ref. No.	RN100218049
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	29798	No. of Violations	1
Docket No.	2006-0735-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 88% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	<small>(mark with a small x)</small>

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$300	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$800	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Adjustment

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

PCW 3

case\PCW 4700 cpw

Screening Date 27-Apr-2005
Respondent BASF Corporation
Case ID No. 29798

Docket No. 2006-0735-AIR-E

PCW

Policy Revision 2 (September 2002)
PCW Revision May 03, 2005

Reg. Ent. Reference No. RN100218049
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy

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)	4	20%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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%
<i>Please Enter Yes or No</i>			
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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 88%

>> **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

The penalty was enhanced by one 1660-style agreed order, one findings agreed order, four NOVs for same or similar violations, and fourteen NOVs for dissimilar violations. The penalty was reduced by participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 88%

Screening Date 27-Apr-2005	case\PCW 4700.gpw Docket No. 2006-0735-AIR-E	PCW		
Respondent BASF Corporation		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 29798		<i>PCW Revision May 03, 2005</i>		
Reg. Ent. Reference No. RN100218049				
Media [Statute] Air Quality				
Enf. Coordinator Terry Murphy				
Violation Number <input type="text" value="1"/>				
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and NSR Air Permit No. 8074A, Special Condition 1			
Secondary Rule Cite(s)	. Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to limit emissions from Flare 5-2-FL200 (EPN 5-2-02) in the OXO Alcohols Unit. Specifically, during a 5 hour and 41 minute emission event on November 1, 2004, the flare emitted, at pound per hour ("lb/hr.") rates, 0.35 lb/hr. of carbon monoxide and 111.9 lbs/hr. of volatile organic compounds, while the emissions limited by the permit are 0.11 lb/hr. and 0.05 lb/hr., respectively. Because the emission event could have been avoided by good operation practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11). This violation was documented during a record review conducted on March 4, 2005.</p>			
	Base Penalty	<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
	Harm			
Release	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 <input type="text" value="25%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text"/>
Matrix Notes	Human health or the environment were exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violation.			
	Adjustment	<input type="text" value="-\$7,500"/>		
	Base Penalty Subtotal	<input type="text" value="\$2,500"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>		
	daily	<input type="text"/>		
	monthly	<input type="text"/>		
<i>mark only one</i>	quarterly	<input type="text"/>		
<i>use a small x</i>	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
		Violation Base Penalty	<input type="text" value="\$2,500"/>	
One single event is recommended based on the one emission event, as documented during the record review conducted on March 4, 2005.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$300"/>	Violation Final Penalty Total	
			<input type="text" value="\$4,700"/>	
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$4,700"/>	

case PCW-4700.rpw

Economic Benefit Worksheet

Respondent BASF Corporation
 Case ID No. 29798
 Reg. Ent. Reference No. RN100218049
 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	One-time Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
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	\$500	01-Nov-2004	02-Nov-2004	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 costs for additional training.

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]	\$300	01-Nov-2004	02-Nov-2004	0.0	\$0	\$300	\$300
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: Estimated costs for additional personnel oversight.

Approx. Cost of Compliance TOTAL

Compliance History

CH3

Customer/Respondent/Owner-Operator:	CN600124895 BASF Corporation	Classification: Average	Rating: 1.110
Regulated Entity:	RN100218049 BASF Freeport Site	Classification: Average	Site Rating: 1.12
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200501
	AIR OPERATING PERMITS	PERMIT	2159
	AIR OPERATING PERMITS	PERMIT	2158
	AIR OPERATING PERMITS	PERMIT	1928
	AIR OPERATING PERMITS	PERMIT	1927
	AIR OPERATING PERMITS	PERMIT	1926
	AIR OPERATING PERMITS	PERMIT	1925
	AIR OPERATING PERMITS	PERMIT	1536
	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL00210
	AIR OPERATING PERMITS	PERMIT	1733A
	AIR OPERATING PERMITS	PERMIT	8074A
	WATER LICENSING	LICENSE	0200501
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW099
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW051
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30024
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081697
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50128
	AIR NEW SOURCE PERMITS	REGISTRATION	74947
	AIR NEW SOURCE PERMITS	PERMIT	74453
	AIR NEW SOURCE PERMITS	REGISTRATION	73597
	AIR NEW SOURCE PERMITS	REGISTRATION	72728
	AIR NEW SOURCE PERMITS	REGISTRATION	72720
	AIR NEW SOURCE PERMITS	PERMIT	54190
	AIR NEW SOURCE PERMITS	PERMIT	54458
	AIR NEW SOURCE PERMITS	PERMIT	70932
	AIR NEW SOURCE PERMITS	PERMIT	71145
	AIR NEW SOURCE PERMITS	PERMIT	56520
	AIR NEW SOURCE PERMITS	REGISTRATION	71817
	AIR NEW SOURCE PERMITS	REGISTRATION	71405
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX651M1
	AIR NEW SOURCE PERMITS	REGISTRATION	71140
	AIR NEW SOURCE PERMITS	REGISTRATION	75518
	AIR NEW SOURCE PERMITS	PERMIT	72195
	WASTEWATER	PERMIT	TPDES0008788
	WASTEWATER	PERMIT	WQ0003977000
	AIR NEW SOURCE PERMITS	REGISTRATION	56742
	AIR NEW SOURCE PERMITS	AFS NUM	0017
	AIR NEW SOURCE PERMITS	PERMIT	55239
	AIR NEW SOURCE PERMITS	REGISTRATION	55237
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	947112R
	AIR NEW SOURCE PERMITS	PERMIT	47112
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX193M1
	AIR NEW SOURCE PERMITS	PERMIT	46625
	AIR NEW SOURCE PERMITS	PERMIT	42856
	AIR NEW SOURCE PERMITS	PERMIT	42344
	AIR NEW SOURCE PERMITS	PERMIT	42345
	AIR NEW SOURCE PERMITS	PERMIT	42346
	AIR NEW SOURCE PERMITS	PERMIT	40799
	AIR NEW SOURCE PERMITS	PERMIT	40007
	AIR NEW SOURCE PERMITS	PERMIT	35389
	AIR NEW SOURCE PERMITS	PERMIT	34793
	AIR NEW SOURCE PERMITS	PERMIT	31333
	AIR NEW SOURCE PERMITS	PERMIT	19886
	AIR NEW SOURCE PERMITS	PERMIT	19698
	AIR NEW SOURCE PERMITS	PERMIT	735C
	AIR NEW SOURCE PERMITS	PERMIT	12277A
	AIR NEW SOURCE PERMITS	PERMIT	13481A
	AIR NEW SOURCE PERMITS	PERMIT	12957A
	AIR NEW SOURCE PERMITS	PERMIT	12952A
	AIR NEW SOURCE PERMITS	PERMIT	9603A
	AIR NEW SOURCE PERMITS	PERMIT	9494A
	AIR NEW SOURCE PERMITS	PERMIT	9513A
	AIR NEW SOURCE PERMITS	PERMIT	8074A
	AIR NEW SOURCE PERMITS	PERMIT	6773A
	AIR NEW SOURCE PERMITS	PERMIT	1445A

AIR NEW SOURCE PERMITS	PERMIT	1392A
AIR NEW SOURCE PERMITS	PERMIT	1391A
AIR NEW SOURCE PERMITS	PERMIT	1733A
AIR NEW SOURCE PERMITS	PERMIT	1395A
AIR NEW SOURCE PERMITS	PERMIT	1390A
AIR NEW SOURCE PERMITS	PERMIT	1396A
AIR NEW SOURCE PERMITS	PERMIT	735B
AIR NEW SOURCE PERMITS	PERMIT	4974A
AIR NEW SOURCE PERMITS	PERMIT	7223A
AIR NEW SOURCE PERMITS	PERMIT	7595A
AIR NEW SOURCE PERMITS	PERMIT	7596A
AIR NEW SOURCE PERMITS	PERMIT	11286
AIR NEW SOURCE PERMITS	PERMIT	11081
AIR NEW SOURCE PERMITS	PERMIT	11080
AIR NEW SOURCE PERMITS	PERMIT	10641
AIR NEW SOURCE PERMITS	PERMIT	10634
AIR NEW SOURCE PERMITS	PERMIT	10578
AIR NEW SOURCE PERMITS	PERMIT	10554
AIR NEW SOURCE PERMITS	PERMIT	10437
AIR NEW SOURCE PERMITS	PERMIT	10388
AIR NEW SOURCE PERMITS	PERMIT	10373
AIR NEW SOURCE PERMITS	PERMIT	10310
AIR NEW SOURCE PERMITS	PERMIT	736

Location: 602 Copper Rd, Freeport, TX, 77541
TCEQ Region: Region 12 - Houston
Date Compliance History Prepared: April 26, 2005
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 26, 2000 to April 26, 2005
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Terry Murphy Phone: (512) 239-5025

Rating Date: 9/1/04 Repeat Violator: No

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.

1. Effective Date: 8/7/03 1660-style Admin. Order 2001-0008-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit notifications of upsets that occurred on 5/1/00, 5/20/00 & 5/23/00 for Emergency Flares, Emission Point Numbers 12-1-2 and 12-1-48 located in the Hydroxylamine Unit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
Description: Failed to comply with the permitted NOx limits for EPNs 12-1-2 and 12-1-48 for the calendar year 1999.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
Description: Exceeded the permitted hourly rates for NOx during upset events.
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter J 335.323[G]
Description: Failed to pay outstanding Hazardous Waste Generation Fees and Non Hazardous Waste Generation fees for Fiscal Years 1998, 1999 and 2000.
2. Effective Date: 8/28/04 Findings Admin. Order 2003-0222-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1 PERMIT
Description: Unauthorized and excessive emissions were released from EPNs 5-2-05, D203A, D203B, and D132.

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.)

2	08/28/2003	(152903)
4	09/20/2000	(246602)
6	11/21/2000	(161414)
8	01/30/2003	(23083)
10	04/13/2003	(29647)
12	06/11/2002	(2490)
14	11/16/2001	(161415)
16	06/12/2002	(2504)
18	08/27/2002	(9254)
20	11/21/2002	(161416)
22	08/16/2000	(246601)
24	12/20/2000	(161418)
26	12/30/2004	(337803)
28	12/17/2001	(161419)
30	08/29/2003	(153030)
32	12/12/2002	(161420)
34	03/04/2004	(263240)
36	07/03/2001	(246600)
38	08/31/2001	(67127)
40	05/29/2003	(31351)
42	08/31/2001	(67126)
44	02/19/2003	(22915)
46	01/25/2001	(161422)
48	05/27/2004	(273826)
50	08/16/2001	(67125)
52	05/07/2004	(266213)
54	08/16/2001	(67124)
56	01/23/2002	(161423)
58	08/05/2004	(274585)
60	09/13/2004	(284657)
62	08/10/2001	(67123)
64	02/13/2001	(246599)
66	07/25/2001	(67122)
68	01/21/2003	(161424)
70	07/02/2001	(67121)
72	01/28/2004	(258683)
74	06/20/2001	(67120)
76	06/13/2001	(67119)
78	02/05/2003	(23551)
80	12/20/2004	(281723)
82	04/24/2001	(67118)
84	04/04/2001	(67117)
86	08/17/2004	(278836)
88	08/02/2000	(30529)
90	03/19/2001	(67116)
92	06/02/2004	(274107)
94	02/24/2003	(24796)
96	03/13/2001	(67115)
98	02/28/2001	(67114)
100	02/16/2001	(67113)
102	02/16/2001	(67112)
104	10/20/2004	(337752)
106	02/16/2001	(67111)
108	03/03/2005	(347495)
110	02/09/2001	(67110)
112	02/09/2001	(67109)
114	08/18/2004	(352725)
116	07/08/2003	(10794)
118	01/25/2001	(67108)
120	01/19/2001	(67107)
122	09/21/2004	(352726)
124	01/03/2005	(281278)
126	10/20/2004	(352727)
128	11/18/2002	(12311)
130	10/21/2003	(250208)
132	01/31/2005	(347355)
134	12/06/2004	(342105)
136	04/13/2003	(29644)

138 05/03/2004 (269890)
140 03/10/2005 (349400)
142 12/08/2000 (67106)
144 09/08/2000 (67105)
146 09/29/2004 (293381)
148 01/05/2005 (339044)
150 08/18/2000 (67104)
152 01/30/2004 (250213)
154 08/18/2000 (67103)
156 11/12/2004 (337392)
158 08/14/2000 (67102)
160 08/14/2000 (67101)
162 08/04/2000 (67100)
164 07/25/2000 (67099)
166 07/20/2000 (67098)
168 07/11/2000 (67097)
170 05/26/2004 (273606)
172 05/30/2002 (1827)
174 07/07/2000 (67096)
176 02/24/2004 (296673)
178 08/19/2004 (286312)
180 02/04/2004 (249697)
182 06/20/2000 (67095)
184 04/25/2005 (377465)
186 05/08/2000 (67094)
188 05/08/2000 (67093)
190 03/22/2003 (296675)
192 05/08/2000 (67092)
194 04/20/2004 (296676)
196 05/08/2000 (67091)
198 05/27/2004 (273809)
200 03/20/2003 (24039)
202 11/20/2000 (IE0001031002001)
204 12/08/2003 (255468)
206 05/08/2000 (67090)
208 05/24/2002 (1615)
210 11/26/2003 (247665)
212 05/17/2004 (296679)
214 06/17/2004 (273337)
216 08/29/2002 (5844)
218 06/21/2004 (296681)
220 04/12/2004 (265264)
222 06/21/2004 (296683)
224 06/10/2002 (2449)
226 08/19/2003 (296685)
228 09/01/2004 (279375)
230 02/23/2001 (161381)
232 04/25/2005 (377466)
234 08/28/2003 (152792)
236 09/23/2003 (296687)
238 02/25/2002 (161382)
240 08/18/2004 (286229)
242 08/24/2000 (296688)
244 02/24/2003 (161383)
246 03/23/2005 (347356)
248 10/23/2003 (296689)
250 03/23/2001 (161384)
252 08/05/2004 (274590)
254 03/22/2002 (161385)
256 11/21/2003 (296690)
258 09/23/2004 (334721)
260 03/18/2003 (161386)
262 12/29/2003 (296692)
264 08/30/2002 (2406)
266 09/23/2004 (290934)
268 08/24/2000 (161387)
270 01/23/2004 (296693)
272 11/08/2004 (336518)
274 10/22/2003 (252701)
276 02/09/2004 (259451)
278 12/30/2004 (338117)
280 12/09/2004 (339233)
282 04/16/2001 (161389)
284 01/03/2005 (345085)
286 05/19/2004 (272261)

288 08/27/2003 (152689)
 290 04/18/2002 (161390)
 292 12/20/2004 (287154)
 294 08/09/2002 (2405)
 296 04/17/2003 (161391)
 298 05/16/2000 (161392)
 300 07/30/2002 (2404)
 302 05/04/2004 (250402)
 304 08/29/2002 (2402)
 306 10/19/2004 (293378)
 308 04/13/2004 (249696)
 310 04/28/2004 (264648)
 312 05/14/2001 (161393)
 314 08/05/2004 (274595)
 316 07/28/2003 (119109)
 318 05/24/2002 (161394)
 320 08/16/2000 (332790)
 322 05/20/2003 (161395)
 324 07/28/2003 (38139)
 326 05/05/2003 (35365)
 328 04/12/2004 (265591)
 330 06/22/2000 (161396)
 332 12/28/2004 (275252)
 334 03/03/2005 (349394)
 336 06/18/2001 (161397)
 338 03/31/2004 (250406)
 340 06/24/2002 (161398)
 342 05/21/2004 (250203)
 344 06/20/2003 (161399)
 346 09/02/2004 (247960)
 348 06/09/2004 (256599)
 350 11/09/2000 (161400)
 352 04/19/2005 (373770)
 354 03/12/2003 (24596)
 356 07/20/2001 (161401)
 358 03/03/2005 (349369)
 360 07/22/2002 (161402)
 362 05/20/2003 (161403)
 364 08/17/2000 (161404)
 366 12/16/2004 (339143)
 368 10/07/2003 (251052)
 370 12/21/2004 (289777)
 372 08/22/2001 (161405)
 374 04/25/2003 (29326)
 376 08/16/2002 (161406)
 378 09/30/2004 (293375)
 380 01/12/2001 (161407)
 382 12/30/2004 (338316)
 384 09/20/2001 (161408)
 386 12/09/2004 (339374)
 388 03/15/2004 (249699)
 390 12/12/2003 (250207)
 392 09/23/2002 (161409)
 394 05/03/2004 (269887)
 396 09/25/2003 (285489)
 398 10/23/2000 (161410)
 400 10/20/2000 (246603)
 402 10/19/2001 (161411)
 404 10/22/2002 (161412)
 406 09/07/2001
 408 02/19/2002

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

1. Date: 08/16/2000 (246601)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to submit all required DMR parameter data
2. Date: 07/03/2001 (246600)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

3. Date: 09/28/2004 (293381)
 Self Report? .NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: The RE failed to control VOC emissions during an unloading operation (Neol Unit).
4. Date: 02/13/2001 (246599)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
5. Date: 03/31/2004 (250406)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: Failure to operate as represented in the NSR Permit No. 19886 Application dated August, 1995.
6. Date: 03/15/2004 (249699)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: Permit No. 8074A, SC No. 1
 Description: Failure to comply with the emissions limits for CO for the year 2001.
7. Date: 11/02/2001
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 30 TAC Chapter 101, SubChapter B 101.6
 Rqmt Prov: OP IA
 Description: Failure to properly report upsets in the Ammonia Oxidation and Hydroxylamine Synthesis Plant.
8. Date: 02/26/2002
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113.110
 40 CFR Chapter 63.152(d)(1)
 40 CFR Chapter 63.10(d)(5)
 Description: Failed to submit a complete semi-annual Start-up, Shutdown and Malfunction Plan for 1/01/01 - 6/30/01
9. Date: 05/26/2004 (250203)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to conduct the testing as required by the prescribed method.
10. Date: 08/28/2003 (152792)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT IA
 Description: Unauthorized emissions resulting from failure to comply with the reporting requirements of 30 TAC 101.201(a)(1) [Oxo Alcohols Unit Flare FL-200 (EPN 5-2-02)].
11. Date: 12/21/2004 (289777)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent the shutdown of the C-102 compressor (Aldehyde Synthesis Unit).
12. Date: 10/19/2004 (293378)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: The RE failed to control the CO and NOx emissions from an emission event associated with the boilers B-20-A and B-20-C (Utilities Plant).
13. Date: 04/13/2004 (249696)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 Description: IV List of Report Attachments
 1) Process Flow Diagram (Confidential)
 2) Investigation Notes to Potential Violations and/or Records Request
 3) Notifications
 4) Fugitive Leaking Component Log
 5) Letter Dated March 26, 2004

- 14. Date: 12/20/2004 (287154) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA IA
 Description: BASF failed to maintain a power source (batteries) which initiated the shutdown of the Oxo Alcohol/Syngas unit.

- 15. Date: 08/16/2000 (332790) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

- 16. Date: 12/20/2004 (281723) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA IA
 Description: BASF failed to prevent debris from entering the instrument air supply causing the C-20 compressor to surge (Oxo Alcohols/Syngas Unit).

- 17. Date: 10/20/2000 (246603) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

- 18. Date: 09/20/2000 (246602) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	02/13/2001

J. Early compliance. N/A

Sites Outside of Texas N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

Assigned PCW	15-May-2006	Screening	09-Jun-2006	EPA Due	27-Mar-2007
PCW	16-Jun-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Corporation
Reg. Ent. Ref. No.	RN100218049
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	29798	No. of Violations	2
Docket No.	2006-0735-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 74% Enhancement Subtotals 2, 3, & 7 **\$3,700**

Notes: The penalty was enhanced by one 1660-style agreed order, one findings agreed order, four NOVs for same or similar violations, and seven NOVs for dissimilar violations. The penalty was reduced by participation in a voluntary pollution reduction program.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent has not yet returned to compliance.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$1,321	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,200	

SUM OF SUBTOTALS 1-7 Final Subtotal **\$8,700**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$8,700**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$8,700**

DEFERRAL 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral since this is not an expedited case.

PAYABLE PENALTY **\$8,700**

PCW4

Screening Date 09-Jun-2006

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 29798

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

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)	4	20%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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%
<i>Please Enter Yes or No</i>			
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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 74%

>> 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

The penalty was enhanced by one 1660-style agreed order, one findings agreed order, four NOVs for same or similar violations, and seven NOVs for dissimilar violations. The penalty was reduced by participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 74%

case\PCW 8700 wb3

Screening Date 09-Jun-2006

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 29798

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and NSR Air Permit No. 8074A, Special Condition 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits. Specifically, during a 2.5 hour emissions event on February 7, 2006, the C-100A propylene recycle compressor shut down because it became overloaded during a production rate increase, resulting in emissions to Flare 5-2-FL200 (EPN 5-2-02) in the OXO Alcohols/Syngas Unit. The flare emitted 476 pounds of volatile organic compounds (VOC), 302 pounds of carbon monoxide (CO), and 42 pounds of nitrogen oxides (NOx), while the permit limits are 0.05, 0.11, and 0.03 pounds per hour, respectively. Because this emissions event could have been avoided by better operations practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense. This violation was documented during an investigation conducted on March 13, 2006.

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 were exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

mark only one 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

One single 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 Corporation
 Case ID No. 29798
 Reg. Ent. Reference No. RN100218049
 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	07-Feb-2006	01-Jan-2007	0.9	\$3	\$60	\$63
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 costs for improvements to operational procedures. The Date Required is the date of the emissions event, and the Final Date is the date the Respondent is expected to have completed all corrective actions.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$600	07-Feb-2006	07-Feb-2006	0.0	\$0	\$600	\$600
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: Estimated costs for additional personnel oversight. The Date Required and the Final Date are the date of the emissions event.

Approx. Cost of Compliance **\$1,600** TOTAL **\$663**

case\PCW-8700-wb3

Screening Date 09-Jun-2006

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 29798

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 116.115(c) and NSR Air Permit No. 8074A, Special Condition 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits. Specifically, during a 6 hour emissions event on March 2, 2006, the OXO Alcohols/Syngas Unit shut down when an employee shut off the main breaker switch to the panel supplying power to the unit, resulting in emissions to Flare 5-2-FL200 (EPN 5-2-02). The flare emitted 901 pounds of VOC, 108 pounds of NOx, and 3,492 pounds of CO, while the permit limits are 0.05, 0.03, and 0.11 pounds per hour, respectively. Because this emissions event could have been avoided by better operations practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense. This violation was documented during an investigation conducted on March 22, 2006.

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 were exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

mark only one 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

One single 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 Corporation
 Case ID No. 29798
 Reg. Ent. Reference No. RN100218049
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	02-Mar-2006	01-Jan-2007	0.8	\$3	\$56	\$58
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 costs for improvements to operational procedures. The Date Required is the date of the emissions event, and the Final Date is the date the Respondent is expected to have completed all corrective actions.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$600	02-Mar-2006	02-Mar-2006	0.0	\$0	\$600	\$600
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: Estimated costs for additional personnel oversight. The Date Required and the Final Date are the date of the emissions event.

Approx. Cost of Compliance **\$1,600**

TOTAL \$658

Compliance History

CH 4

Customer/Respondent/Owner-Operator: CN600124895 BASF Corporation Classification: AVERAGE
 Rating: 2.51
 Regulated Entity: RN100218049 BASF FREEPORT SITE Classification: AVERAGE
 Site Rating: 1.23

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL00210
	AIR OPERATING PERMITS	PERMIT	1536
	AIR OPERATING PERMITS	PERMIT	1925
	AIR OPERATING PERMITS	PERMIT	1926
	AIR OPERATING PERMITS	PERMIT	1927
	AIR OPERATING PERMITS	PERMIT	1928
	AIR OPERATING PERMITS	PERMIT	2158
	AIR OPERATING PERMITS	PERMIT	2159
	AIR OPERATING PERMITS	PERMIT	8074A
	AIR OPERATING PERMITS	PERMIT	1733A
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081697
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30024
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50128
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50128
	PUBLIC WATER SYSTEM/SUPPLY WASTEWATER	REGISTRATION	0200501
	WASTEWATER	PERMIT	WQ0003977000
	WASTEWATER	PERMIT	TPDES0008788
	WASTEWATER	PERMIT	TX0008788
	AIR NEW SOURCE PERMITS	PERMIT	736
	AIR NEW SOURCE PERMITS	PERMIT	10310
	AIR NEW SOURCE PERMITS	PERMIT	10373
	AIR NEW SOURCE PERMITS	PERMIT	10388
	AIR NEW SOURCE PERMITS	PERMIT	10437
	AIR NEW SOURCE PERMITS	PERMIT	10554
	AIR NEW SOURCE PERMITS	PERMIT	10578
	AIR NEW SOURCE PERMITS	PERMIT	10634
	AIR NEW SOURCE PERMITS	PERMIT	10641
	AIR NEW SOURCE PERMITS	PERMIT	11080
	AIR NEW SOURCE PERMITS	PERMIT	11081
	AIR NEW SOURCE PERMITS	PERMIT	11286
	AIR NEW SOURCE PERMITS	PERMIT	7596A
	AIR NEW SOURCE PERMITS	PERMIT	7595A
	AIR NEW SOURCE PERMITS	PERMIT	7223A
	AIR NEW SOURCE PERMITS	PERMIT	4974A
	AIR NEW SOURCE PERMITS	PERMIT	735B
	AIR NEW SOURCE PERMITS	PERMIT	1396A
	AIR NEW SOURCE PERMITS	PERMIT	1390A
	AIR NEW SOURCE PERMITS	PERMIT	1395A
	AIR NEW SOURCE PERMITS	PERMIT	1733A
	AIR NEW SOURCE PERMITS	PERMIT	1391A
	AIR NEW SOURCE PERMITS	PERMIT	1392A
	AIR NEW SOURCE PERMITS	PERMIT	1445A
	AIR NEW SOURCE PERMITS	PERMIT	6773A
	AIR NEW SOURCE PERMITS	PERMIT	8074A
	AIR NEW SOURCE PERMITS	PERMIT	9513A
	AIR NEW SOURCE PERMITS	PERMIT	9494A
	AIR NEW SOURCE PERMITS	PERMIT	9603A
	AIR NEW SOURCE PERMITS	PERMIT	12952A
	AIR NEW SOURCE PERMITS	PERMIT	12957A
	AIR NEW SOURCE PERMITS	PERMIT	13481A
	AIR NEW SOURCE PERMITS	PERMIT	12277A
	AIR NEW SOURCE PERMITS	PERMIT	735C
	AIR NEW SOURCE PERMITS	PERMIT	19698
	AIR NEW SOURCE PERMITS	PERMIT	19886
	AIR NEW SOURCE PERMITS	PERMIT	31333

AIR NEW SOURCE PERMITS	PERMIT	34793
AIR NEW SOURCE PERMITS	PERMIT	35389
AIR NEW SOURCE PERMITS	PERMIT	40799
AIR NEW SOURCE PERMITS	PERMIT	42346
AIR NEW SOURCE PERMITS	PERMIT	42345
AIR NEW SOURCE PERMITS	PERMIT	42344
AIR NEW SOURCE PERMITS	PERMIT	42856
AIR NEW SOURCE PERMITS	PERMIT	46625
AIR NEW SOURCE PERMITS	EPA ID	PSDTX193M1
AIR NEW SOURCE PERMITS	PERMIT	47112
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	947112R
AIR NEW SOURCE PERMITS	PERMIT	55239
AIR NEW SOURCE PERMITS	AFS NUM	0017
AIR NEW SOURCE PERMITS	REGISTRATION	56742
AIR NEW SOURCE PERMITS	REGISTRATION	75518
AIR NEW SOURCE PERMITS	EPA ID	PSDTX651M1
AIR NEW SOURCE PERMITS	REGISTRATION	71405
AIR NEW SOURCE PERMITS	REGISTRATION	71817
AIR NEW SOURCE PERMITS	PERMIT	56520
AIR NEW SOURCE PERMITS	PERMIT	71145
AIR NEW SOURCE PERMITS	PERMIT	54458
AIR NEW SOURCE PERMITS	PERMIT	54190
AIR NEW SOURCE PERMITS	REGISTRATION	72728
AIR NEW SOURCE PERMITS	REGISTRATION	73597
AIR NEW SOURCE PERMITS	PERMIT	74453
AIR NEW SOURCE PERMITS	REGISTRATION	74947
AIR NEW SOURCE PERMITS	REGISTRATION	76613
AIR NEW SOURCE PERMITS	REGISTRATION	77324
AIR NEW SOURCE PERMITS	REGISTRATION	77412
AIR NEW SOURCE PERMITS	PERMIT	78452
UNDERGROUND INJECTION CONTROL	PERMIT	WDW051
UNDERGROUND INJECTION CONTROL	PERMIT	WDW099
UNDERGROUND INJECTION CONTROL	PERMIT	WDW408
UNDERGROUND INJECTION CONTROL	PERMIT	WDW409
WATER LICENSING	LICENSE	0200501
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30024
UNDERGROUND INJECTION CONTROL WATER	PERMIT	WDW409

Location: 602 COPPER RD, FREEPORT, TX, 77541 Rating Date: 9/1/2005

TCEQ Region: REGION 12 - HOUSTON Repeat Violator: No

Date Compliance History Prepared: June 14, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 14, 2001 to June 14, 2006

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

Name: Terry Murphy Phone: (512) 239-5025

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.

Effective Date: 08/07/2003 1660-style Admin. Order 2001-0008-AIR-E

Classification: Moderate

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

Description: Failed to submit notifications of upsets that occurred on 5/1/00, 5/20/00 & 5/23/00 for Emergency Flares, Emission Point Numbers 12-1-2 and 12-1-48 located in the Hydroxylamine Unit.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT

Description: Failed to comply with the permitted NOx limits for EPNs 12-1-2 and 12-1-48 for the calendar year 1999.

Classification: Moderate

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

Rqmt Prov: Not specified PERMIT

Description: Exceeded the permitted hourly rates for NOx during upset events.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter J 335.323[G]
Description: Failed to pay outstanding Hazardous Waste Generation Fees and Non Hazardous Waste Generation fees for Fiscal Years 1998, 1999 and 2000.

Effective Date: 08/28/2004

Findings Admin. Order 2003-0222-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(a)

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

Rqmt Prov: SC 1 PERMIT

Description: Unauthorized and excessive emissions were released.

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	08/28/2003	(152903)	115	08/18/2004	(286229)
			116	02/24/2003	(161383)
2	01/30/2003	(23083)	118	03/23/2005	(347356)
3	04/13/2003	(29647)	119	05/24/2005	(379611)
4	06/11/2002	(2490)	120	10/23/2003	(296689)
5	11/16/2001	(161415)	121	08/05/2004	(274590)
6	06/12/2002	(2504)	122	01/30/2006	(450256)
7	08/27/2002	(9254)	123	03/29/2006	(457427)
8	11/21/2002	(161416)	124	12/30/2005	(436666)
9	11/08/2005	(432025)	125	03/22/2002	(161385)
10	05/09/2006	(456731)	126	11/21/2003	(296690)
11	12/30/2004	(337803)	127	09/23/2004	(334721)
12	12/17/2001	(161419)	128	03/18/2003	(161386)
13	01/02/2006	(439777)	129	08/19/2005	(441078)
14	08/29/2003	(153030)	130	09/21/2005	(441079)
15	12/12/2002	(161420)	131	12/29/2003	(296692)
16	03/04/2004	(263240)	132	08/30/2002	(2406)
17	07/03/2001	(246600)	133	09/23/2004	(290934)
18	08/31/2001	(67127)	134	04/04/2006	(458505)
19	05/29/2003	(31351)	135	10/21/2005	(441080)
20	08/31/2001	(67126)	136	01/23/2004	(296693)
21	02/19/2003	(22915)	137	11/08/2004	(336518)
22	01/02/2006	(440234)			
23	05/27/2004	(273826)			
24	08/16/2001	(67125)	138	05/16/2006	(465894)
25	05/07/2004	(266213)	139	10/22/2003	(252701)

26	04/22/2005	(419961)	140	02/09/2004	(259451)
27	08/16/2001	(67124)	141	10/21/2005	(441081)
28	02/22/2006	(468854)	142	12/30/2004	(338117)
29	01/23/2002	(161423)	143	12/02/2005	(405555)
30	08/05/2004	(274585)	144	12/09/2004	(339233)
31	09/13/2004	(284657)	145	06/17/2005	(396050)
32	08/10/2001	(67123)	146	06/06/2005	(394016)
33	05/23/2005	(419962)	147	01/03/2005	(345085)
			148	08/02/2005	(401794)
			149	05/19/2004	(272261)
34	07/25/2001	(67122)	150	08/27/2003	(152689)
35	01/21/2003	(161424)	151	04/18/2002	(161390)
36	06/20/2005	(419963)	152	12/20/2004	(287154)
37	07/02/2001	(67121)	153	08/09/2002	(2405)
38	05/19/2006	(462792)	154	04/17/2003	(161391)
39	05/24/2005	(379291)	155	06/13/2005	(378146)
40	01/28/2004	(258683)	156	07/30/2002	(2404)
41	08/03/2005	(402980)	157	05/04/2004	(250402)
42	06/20/2001	(67120)	158	02/23/2005	(382105)
43	05/23/2005	(419964)	159	05/12/2006	(465545)
44	02/05/2003	(23551)	160	08/29/2002	(2402)
45	06/17/2005	(396245)	161	03/21/2005	(382106)
46	12/20/2004	(281723)	162	10/19/2004	(293378)
47	05/08/2006	(464770)	163	04/13/2004	(249696)
48	04/21/2006	(454595)	164	11/23/2004	(382107)
49	08/17/2004	(278836)	165	04/28/2004	(264648)
50	05/19/2006	(462793)	166	08/05/2004	(274595)
51	06/02/2004	(274107)	167	03/30/2006	(452957)
52	02/24/2003	(24796)	168	07/28/2003	(119109)
53	03/29/2006	(457262)	169	12/15/2004	(382108)
54	10/20/2004	(337752)	170	05/10/2006	(463574)
55	03/03/2005	(347495)	171	05/24/2002	(161394)
56	08/18/2004	(352725)	172	03/29/2006	(456450)
57	07/08/2003	(10794)	173	01/21/2005	(382109)
58	09/21/2004	(352726)	174	05/20/2003	(161395)
59	01/03/2005	(281278)	175	07/28/2003	(38139)
60	04/20/2006	(462472)	176	05/05/2003	(35365)
61	10/20/2004	(352727)	177	04/12/2004	(265591)
62	11/18/2002	(12311)	178	03/28/2006	(456877)
63	05/23/2005	(381384)	179	12/28/2004	(275252)
64	10/21/2003	(250208)	180	03/03/2005	(349394)
65	01/31/2005	(347355)	181	02/03/2006	(450363)
66	12/06/2004	(342105)	182	07/14/2005	(397522)
67	04/13/2003	(29644)	183	06/18/2001	(161397)
68	05/03/2004	(269890)	184	03/31/2004	(250406)
69	03/10/2005	(349400)	185	02/14/2006	(453833)
70	09/29/2004	(293381)	186	06/24/2002	(161398)
71	01/05/2005	(339041)	187	01/20/2006	(451686)
72	01/30/2004	(250213)	188	05/21/2004	(250203)
73	11/12/2004	(337392)	189	06/20/2003	(161399)
74	04/17/2006	(468855)			

75	08/10/2005	(404111)		
76	05/23/2005	(393169)	190	03/28/2006 (456881)
77	05/26/2004	(273606)	191	09/02/2004 (247960)
78	05/30/2002	(1827)	192	06/09/2004 (256599)
79	02/24/2004	(296673)	193	08/10/2005 (402755)
80	08/19/2004	(286312)	194	04/17/2006 (460116)
81	02/04/2004	(249697)	195	04/19/2005 (373770)
82	05/11/2005	(372974)	196	03/12/2003 (24596)
83	04/25/2005	(377465)	197	07/20/2001 (161401)
84	05/25/2006	(464223)	198	12/08/2005 (403855)
85	08/11/2005	(401786)	199	03/03/2005 (349369)
			200	03/28/2006 (456834)
			201	04/28/2006 (457444)
86	03/22/2003	(296675)	202	07/22/2002 (161402)
87	04/17/2006	(468856)	203	05/20/2003 (161403)
88	04/20/2004	(296676)	204	12/16/2004 (339143)
89	05/27/2004	(273809)	205	08/03/2005 (403000)
90	03/20/2003	(24039)	206	10/07/2003 (251052)
91	12/08/2003	(255468)	207	12/21/2004 (289777)
92	05/12/2005	(376490)	208	08/22/2001 (161405)
93	05/24/2002	(1615)	209	04/25/2003 (29326)
94	05/08/2006	(464623)	210	08/16/2002 (161406)
95	11/26/2003	(247665)	211	09/30/2004 (293375)
96	03/28/2006	(450863)	212	03/28/2006 (456991)
97	05/08/2006	(464383)	213	12/30/2004 (338316)
98	05/17/2004	(296679)	214	05/08/2006 (464642)
99	06/17/2004	(273337)	215	09/20/2001 (161408)
100	08/29/2002	(5844)	216	12/09/2004 (339374)
101	11/16/2005	(468857)	217	03/15/2004 (249699)
102	01/30/2006	(450778)	218	12/12/2003 (250207)
103	08/02/2005	(402694)	219	09/23/2002 (161409)
104	06/21/2004	(296681)	220	05/03/2004 (269887)
105	04/12/2004	(265264)	221	09/25/2003 (285489)
106	06/21/2004	(296683)	222	09/19/2005 (418588)
107	06/10/2002	(2449)	223	10/19/2001 (161411)
108	08/19/2003	(296685)	224	01/17/2006 (436507)
109	09/01/2004	(279375)	225	10/22/2002 (161412)
110	04/25/2005	(377466)		
111	08/28/2003	(152792)		
112	12/20/2005	(468858)		
113	09/23/2003	(296687)		
114	02/25/2002	(161382)		

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

- | | | |
|---|--|--------------------------|
| 1 | Date: 07/03/2001 (246600) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | |
| | | |
| 2 | Date: 09/28/2004 (293381) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1) | |

- Description: The RE failed to control VOC emissions during an unloading operation
- 3 Date: 03/31/2004 (250406)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: Failure to operate as represented in the NSR Permit No. 19886 Application dated August, 1995.
- 4 Date: 03/15/2004 (249699)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: Failure to comply with the emission limits set forth in TCEQ Permit No. 8074A, SC No. 1.
- 5 Date: 05/26/2004 (250203)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to conduct the testing as required by the prescribed method.
- 6 Date: 08/11/2005 (401786)
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT IA
 Description: Failing to operate the CEMS of the Boilers, 20A and 20C in the time shared mode during the RATA testing.
- 7 Date: 08/28/2003 (152792)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT IA
 Description: Unauthorized emissions resulting from failure to comply with the reporting requirements of 30 TAC 101.201(a)(1).
- 8 Date: 10/19/2004 (293378)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: The RE failed to control the CO and NOx emissions associated with the boilers B-20-A and B-20-C
- 9 Date: 03/28/2006 (456877)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(i)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.271(c)(1)
 Rqmt Prov: OP IA
 Description: Failure to conduct monthly monitoring of the closed vent systems for three units.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to plug open-ended lines or valves.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
PERMIT IA
Description: Failure to submit a copy of the final sampling report within 45 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
Description: Failure to conduct CEMS certification testing within 60 days after the installation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: OP IA
Description: Failure to report all deviations in the semiannual deviation report.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
PERMIT IA
Description: Failure to comply with the applicable requirements of 40 CFR 60, Subpart NNN

10 Date: 04/13/2004 (249696)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
Description: IV List of Report Attachments
1) Process Flow Diagram (Confidential)
2) Investigation Notes to Potential Violations and/or Records Request
3) Notifications
4) Fugitive Leaking Component Log
5) Letter Dated March 26, 2004

11 Date: 02/15/2006 (453833)
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA
Description: Failure to record weekly walkthrough observations on 16 occasions.
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(vii)

Rqmt Prov: OP IA
Description: Failure to conduct a weekly automatic waste feed cut off (AWFCO) test for the incinerator.
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)(3)

Rqmt Prov: OP IA
Description: Failure to perform a follow up leak verification check within 30 days of bringing a unit back online.
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)

Rqmt Prov: OP IA
Description: Failure to initially install bypass valves with car-seal valves.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Rqmt Prov: OP IA
Description: Failure to report all deviations that occurred during the reporting period.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
Rqmt Prov: OP IA
Description: Failure to set automatic waste feed cut offs to the incinerator to rolling average
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: Failure to conduct CEMS certification testing within 60 days after the installation of the system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)
Rqmt Prov: OP IA
Description: Failure to collect a minimum of three sets of samples during the quarterly cooling tower sampling.

- 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. Yes
- J. Early compliance. N/A

Sites Outside of Texas N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-May-2004	Screening	10-Jun-2004	EPA Due	22-Oct-2004
	PCW	16-Apr-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Corporation
Reg. Ent. Ref. No.	RN100218049
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	29798	No. of Violations	3
Docket No.	2006-0735-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 78% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit 50% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$61,710"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$65,000"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 0% Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

PCW 5

Screening Date 10-Jun-2004 **Docket No.** 2006-0735-AIR-E **PCW**
Respondent BASF Corporation *Policy Revision 2 (September 2002)*
Case ID No. 29798 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100218049
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy

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 (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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	1	25%
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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 78%

>> **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 The penalty was enhanced by one 1660-style agreed order, one findings agreed order, 2 NOVs for same or similar violations, and 14 NOVs for dissimilar violations. The penalty was reduced by participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 78%

Screening Date 10-Jun-2004 **Docket No.** 2006-0735-AIR-E **PCW**

Respondent BASF Corporation *Policy Revision 2 (September 2002)*

Case ID No. 29798 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 1

Primary Rule Cite(s) Air Permit No. 1733A, Special Condition 5., 30 Tex. Admin. Code §§ 101.20(1) and 116.115(c), and 40 Code of Federal Regulations § 60.662

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the catalytic oxidizer, R-170 (EPN 11-1-2), in the Cyclohexanone 2 Unit, at temperatures established by the January 2001 performance test, as documented during an investigation conducted on March 17, 2004.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment could have been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 14

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$14,000

Fourteen single events are recommended based on the 14 periods of time the oxidizer was documented as operating at less than the required temperature (January 18, 2003 to March 17, 2004), as documented during an investigation conducted on March 17, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount \$60,473

Statutory Limit Test

Violation Final Penalty Total \$31,920

This violation Final Assessed Penalty (adjusted for limits) \$31,920

Economic Benefit Worksheet

Respondent BASF Corporation
 Case ID No. 29798
 Reg. Ent. Reference No. RN100218049
 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	18-Jan-2003	16-Jul-2004	1.5	\$25	\$498	\$523
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: Cost estimated to test the catalytic oxidizer at varying operating rates and to prepare and submit the results to the EPA for approval. The Final Date is the date EPA approved an alternate demonstration protocol.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$54,500	18-Jan-2003	16-Jul-2004	2.0	\$5,450	\$54,500	\$59,950

Notes for AVOIDED costs: Estimated cost of make-up gas to add to the oxidizer to achieve the temperature required.

Approx. Cost of Compliance **\$59,500**

TOTAL \$60,473

Screening Date 10-Jun-2004

case\PCW 60420.gpw
Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 29798

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 101.20(1) and 40 Code of Federal Regulations §§ 60.113b(a)(5) and 60.115b(a)(3)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to notify the TCEQ prior to filling or refilling Tank D-60 C, which occurred on February 1, 2004, as documented during an investigation conducted on March 17, 2004.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

The Respondent failed to comply with 100% of the rule.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one 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

One single event is recommended for the one notice not submitted, as documented during an investigation conducted on March 17, 2004.

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 Corporation
 Case ID No. 29798
 Reg. Ent. Reference No. RN100218049
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
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

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	\$100	01-Feb-2004	01-Feb-2004	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 Estimated cost to prepare and submit a notice. The Required and Final Dates are the date of the event.

Approx. Cost of Compliance

TOTAL

Screening Date 10-Jun-2004

case\PCW-60420.ppw

Docket No. 2006-0735-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 29798

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100218049

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

An investigation conducted on March 17, 2004 documented that 170 pounds, 156.5 pounds, 23.2 pounds, and 1035 pounds of process, or continuous, unauthorized VOC emissions were emitted from the demethanator (EPN 11-1-101) on December 12, 2002, January 13, 2003, August 11, 2003 and October 21, 2003, respectively.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	<input type="text" value="25%"/>
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				<input type="text" value=""/>

Matrix Notes:

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended based on the four months that unauthorized emissions were documented (December 12, 2002, January 13, 2003, August 11, 2003 and October 21, 2003) during an investigation conducted on March 17, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

case\PCW 60420.rnw

Economic Benefit Worksheet

Respondent BASF Corporation
 Case ID No. 29798
 Reg. Ent. Reference No. RN100218049
 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
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	\$5,000	12-Dec-2002	15-Jun-2006	3.5	\$877	n/a	\$877
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to prepare and submit a permit. The Required Date is the date of the first documented emissions and the Final Date is the date a permit action is expected to be completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel	\$400	12-Dec-2002	21-Oct-2003	0.9	\$17	\$343	\$360
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: Estimated cost for additional operator oversight. The Required Date is the date of the first documented emissions and the Final Date is the date of the last documented emissions.

Approx. Cost of Compliance **\$5,400** TOTAL **\$1,238**

CH5

Compliance History

Customer/Respondent/Owner-Operator:	CN600124895	BASF Corporation	Classification: AVERAGE	Rating: 1.110																																																																																																																																																																																																									
Regulated Entity:	RN100218049	BASF FREEPORT SITE	Classification: AVERAGE	Site Rating: 1.12																																																																																																																																																																																																									
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AIR NEW SOURCE PERMITS	PERMIT	9603A																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	9494A																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	9513A																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	8074A																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	6773A																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	1445A																																																																																																																																																																																																											
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AIR NEW SOURCE PERMITS	PERMIT	1733A
AIR NEW SOURCE PERMITS	PERMIT	1395A
AIR NEW SOURCE PERMITS	PERMIT	1390A
AIR NEW SOURCE PERMITS	PERMIT	1396A
AIR NEW SOURCE PERMITS	PERMIT	735B
AIR NEW SOURCE PERMITS	PERMIT	4974A
AIR NEW SOURCE PERMITS	PERMIT	7223A
AIR NEW SOURCE PERMITS	PERMIT	7595A
AIR NEW SOURCE PERMITS	PERMIT	7596A
AIR NEW SOURCE PERMITS	PERMIT	11286
AIR NEW SOURCE PERMITS	PERMIT	11081
AIR NEW SOURCE PERMITS	PERMIT	11080
AIR NEW SOURCE PERMITS	PERMIT	10641
AIR NEW SOURCE PERMITS	PERMIT	10634
AIR NEW SOURCE PERMITS	PERMIT	10578
AIR NEW SOURCE PERMITS	PERMIT	10554
AIR NEW SOURCE PERMITS	PERMIT	10437
AIR NEW SOURCE PERMITS	PERMIT	10388
AIR NEW SOURCE PERMITS	PERMIT	10373
AIR NEW SOURCE PERMITS	PERMIT	10310
AIR NEW SOURCE PERMITS	PERMIT	736

Location: 602 COPPER RD, FREEPORT, TX, 77541
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: May 31, 2005
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 03, 1999 to September 03, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Terry Murphy Phone: (512) 239-5025

Rating Date: 9/1/04 Repeat Violator: NO

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.

1. Effective Date: 8/7/03 1660-style Admin. Order 2001-0008-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit notifications of upsets that occurred on 5/1/00, 5/20/00 & 5/23/00 for Emergency Flares, Emission Point Numbers 12-1-2 and 12-1-48 located in the Hydroxylamine Unit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
Description: Failed to comply with the permitted NOx limits for EPNs 12-1-2 and 12-1-48 for the calendar year 1999.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
Description: Exceeded the permitted hourly rates for NOx during upset events.
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter J 335.323[G]
Description: Failed to pay outstanding Hazardous Waste Generation Fees and Non Hazardous Waste Generation fees for Fiscal Years 1998, 1999 and 2000.
2. Effective Date: 8/28/04 Findings Admin. Order 2003-0222-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1 PERMIT
Description: Unauthorized and excessive emissions were released from EPNs 5-2-03, D203A, D203B, and D132.

138 12/08/2000 (67106)
140 09/08/2000 (67105)
142 08/18/2000 (67104)
144 01/30/2004 (250213)
146 08/18/2000 (67103)
148 08/14/2000 (67102)
150 08/14/2000 (67101)
152 08/04/2000 (67100)
154 07/25/2000 (67099)
156 07/20/2000 (67098)
158 07/11/2000 (67097)
160 05/26/2004 (273606)
162 05/30/2002 (1827)
164 07/07/2000 (67096)
166 02/24/2004 (296673)
168 08/19/2004 (286312)
170 02/04/2004 (249697)
172 06/20/2000 (67095)
174 05/08/2000 (67094)
176 05/08/2000 (67093)
178 03/22/2003 (296675)
180 05/08/2000 (67092)
182 04/20/2004 (296676)
184 05/08/2000 (67091)
186 05/27/2004 (273809)
188 03/20/2003 (24039)
190 11/20/2000 (IE0001031002001)
192 12/08/2003 (255468)
194 05/08/2000 (67090)
196 05/24/2002 (1615)
198 11/26/2003 (247665)
200 04/25/2000 (67089)
202 04/06/2000 (67088)
204 04/06/2000 (67087)
206 05/17/2004 (296679)
208 06/17/2004 (273337)
210 08/29/2002 (5844)
212 04/06/2000 (67086)
214 04/06/2000 (67085)
216 06/21/2004 (296681)
218 03/17/2000 (67084)
220 03/08/2000 (67083)
222 03/08/2000 (67082)
224 04/12/2004 (265264)
226 03/08/2000 (67081)
228 06/21/2004 (296683)
230 03/08/2000 (67080)
232 03/08/2000 (67079)
234 02/25/2000 (161380)
236 06/10/2002 (2449)
238 03/06/2000 (67078)
240 08/19/2003 (296685)
242 09/01/2004 (279375)
244 02/23/2001 (161381)
246 02/11/2000 (67077)
248 08/28/2003 (152792)
250 02/10/2000 (67076)
252 02/10/2000 (67075)
254 09/23/2003 (296687)
256 02/25/2002 (161382)
258 02/10/2000 (67074)
260 02/10/2000 (67073)
262 08/18/2004 (286229)
264 08/24/2000 (296688)
266 02/24/2003 (161383)
268 02/10/2000 (67072)
270 02/10/2000 (67071)
272 10/23/2003 (296689)
274 03/23/2001 (161384)
276 08/05/2004 (274590)
278 02/05/2000 (67070)
280 02/05/2000 (67069)
282 03/22/2002 (161385)
284 01/28/2000 (67068)
286 11/21/2003 (296690)

288 01/28/2000 (67067)
290 03/18/2003 (161386)
292 01/26/2000 (67066)
294 01/12/2000 (67065)
296 12/29/2003 (296692)
298 08/30/2002 (2406)
300 01/12/2000 (67064)
302 08/24/2000 (161387)
304 01/23/2004 (296693)
306 01/12/2000 (67063)
308 10/22/2003 (252701)
310 02/09/2004 (259451)
312 04/20/2000 (161388)
314 01/12/2000 (67062)
316 12/22/1999 (67061)
318 12/21/1999 (67060)
320 12/11/1999 (67059)
322 12/11/1999 (67058)
324 04/16/2001 (161389)
326 12/11/1999 (67057)
328 12/11/1999 (67056)
330 05/19/2004 (272261)
332 08/27/2003 (152689)
334 04/18/2002 (161390)
336 12/09/1999 (67055)
338 08/09/2002 (2405)
340 12/09/1999 (67054)
342 04/17/2003 (161391)
344 12/04/1999 (67053)
346 12/04/1999 (67052)
348 05/16/2000 (161392)
350 07/30/2002 (2404)
352 12/04/1999 (67051)
354 05/04/2004 (250402)
356 12/04/1999 (67050)
358 08/29/2002 (2402)
360 12/03/1999 (67049)
362 04/13/2004 (249696)
364 11/29/1999 (67048)
366 04/28/2004 (264648)
368 11/29/1999 (67047)
370 05/14/2001 (161393)
372 08/05/2004 (274595)
374 07/28/2003 (119109)
376 11/22/1999 (67046)
378 05/24/2002 (161394)
380 08/16/2000 (332790)
382 10/22/1999 (67045)
384 10/22/1999 (67044)
386 05/20/2003 (161395)
388 10/22/1999 (67043)
390 07/28/2003 (38139)
392 05/05/2003 (35365)
394 10/22/1999 (67042)
396 04/12/2004 (265591)
398 06/22/2000 (161396)
400 10/22/1999 (67041)
402 10/22/1999 (67040)
404 10/21/1999 (332791)
406 10/22/1999 (67039)
408 06/18/2001 (161397)
410 03/31/2004 (250406)
412 10/22/1999 (67038)
414 06/24/2002 (161398)
416 10/22/1999 (67037)
418 10/22/1999 (67036)
420 05/21/2004 (250203)
422 06/20/2003 (161399)
424 10/22/1999 (67035)
426 09/02/2004 (247960)
428 06/09/2004 (256599)
430 10/15/1999 (67034)
432 11/09/2000 (161400)
434 10/15/1999 (67033)
436 03/12/2003 (24596)

438 10/01/1999 (67032)
 440 07/20/2001 (161401)
 442 10/01/1999 (67031)
 444 10/01/1999 (67030)
 446 07/22/2002 (161402)
 448 09/30/1999 (67029)
 450 05/20/2003 (161403)
 452 09/30/1999 (67028)
 454 08/17/2000 (161404)
 456 12/29/1999 (246604)
 458 10/07/2003 (251052)
 460 08/22/2001 (161405)
 462 04/25/2003 (29326)
 464 08/16/2002 (161406)
 466 01/12/2001 (161407)
 468 09/20/2001 (161408)
 470 03/15/2004 (249699)
 472 12/12/2003 (250207)
 474 09/23/2002 (161409)
 476 05/03/2004 (269887)
 478 09/25/2003 (285489)
 480 10/23/2000 (161410)
 482 10/20/2000 (246603)
 484 10/19/2001 (161411)
 486 10/22/2002 (161412)

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

1. Date: 08/16/2000 (246601)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to submit all required DMR parameter data
2. Date: 07/03/2001 (246600)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
3. Date: 10/31/1999 (161417)
 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: 02/13/2001 (246599)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
5. Date: 03/31/2004 (250406)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: Failure to operate as represented in the NSR Permit No. 19886 Application dated August, 1995.
6. Date: 01/24/2000 (246598)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
7. Date: 03/15/2004 (249699)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: Failure to comply with the emission limits set forth in TCEQ Permit No. 8074A, SC No. 1(Neol Unit).
8. Date: 05/26/2004 (250203)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to conduct the testing as required by the prescribed method.
9. Date: 08/28/2003 (152792)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT IA
 Description: Unauthorized emissions resulting from failure to comply with the reporting requirements of 30 TAC 101.201(a)(1) [Oxo Alcohols Unit].

- 10. Date: 04/13/2004 (249696)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 Description: IV List of Report Attachments
 1) Process Flow Diagram (Confidential)
 2) Investigation Notes to Potential Violations and/or Records Request
 3) Notifications
 4) Fugitive Leaking Component Log
 5) Letter Dated March 26, 2004
- 11. Date: 03/31/2000 (161388)
 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
- 12. Date: 08/16/2000 (332790)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 13. Date: 10/21/1999 (332791)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 14. Date: 12/29/1999 (246604)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 15. Date: 10/20/2000 (246603)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
- 16. Date: 09/20/2000 (246602)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits.

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:

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	02/13/2001

J. Early compliance. N/A

Sites Outside of Texas N/A

Attachment A
Docket Number: 2006-0735-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF Corporation
Penalty Amount:	Eighty-seven thousand one hundred twenty dollars (\$87,120)
SEP Amount:	Forty-three thousand five hundred sixty dollars (\$43,560)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston Area Emission Reduction Credit Organization (“AERCO”) <i>Clean Cities/Clean Vehicles Program</i>
Location of SEP:	Brazoria 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. Specifically, the contribution will be used in accordance with the Supplemental Environmental Project Agreement between **AERCO** and the Texas Commission on Environmental Quality for the *Clean Cities/Clean Vehicles Program* in Brazoria County. SEP monies will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older “high emission” buses will be permanently retired and sold only for scrap.

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.

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides (“NOx”) and hydrocarbons (“HC”), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

BASF Corporation
Agreed Order

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The 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 must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, TX 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount 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 with the notation "SEP Refund" and the docket number of the case, and shall send it to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Office of Legal Services

BASF Corporation
Agreed Order

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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST BASF CORPORATION;
RN100218049

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0735-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF Corporation ("BASF") 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 BASF represented by Matthew Paulson, of the law firm of Baker Botts LLP, appear before the Commission and together stipulate that:

1. BASF owns and operates a chemical manufacturing plant located at 602 Copper Road, Freeport, Brazoria County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and BASF agree that the Commission has jurisdiction to enter this Agreed Order, and that BASF is subject to the Commission's jurisdiction.
4. BASF received notices of the violations on or about May 9, 2004; April 24, 2005; September 20, 2006; May 15, 2006; May 30, 2006; and November 22, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by BASF of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of eighty-seven thousand one hundred twenty dollars (\$87,120.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). BASF has paid forty three thousand five hundred sixty dollars (\$43,560.00) of the administrative penalty. Forty three thousand five hundred sixty dollars

(\$43,560.00) shall be conditionally offset by BASF's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and BASF have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that BASF has not complied with one or more of the terms or conditions in this Agreed Order.
10. The Executive Director recognizes that BASF:
 - a. On April 24, 2007, submitted a request to the TCEQ to amend NSR Permit No. 8074A that addresses emissions inherent in the OXO/Syngas process.
 - b. On February 24, 2005, obtained approval from the EPA to use an alternate demonstration protocol to that of maintaining the catalytic oxidizer, R-17 (EPN11-1-2), in the Cyclohexanone 2 Unit, at temperatures established by the January 2001 performance test.
 - c. On November 16, 2005, obtained authorization, by issuance of an amendment to Air Permit No. 1733A, for emissions from the demethanator (EPN 11-1-101).
 - d. In response to a TCEQ recommendation related to the November 1, 2004 emissions event, in November 2004, February 2006, August 2006, June 2007, and August 2007, reviewed its existing procedures to prevent compressor shutdowns.
 - e. In response to a TCEQ recommendation related to the February 7, 2006 emissions event, in February 2006, August 2006, June 2007, and August 2007, reviewed its existing procedures to prevent compressor shutdowns.
 - f. In response to a TCEQ recommendation related to the March 2, 2006 emissions event, in March 2006, directed its electrical contractor, Infiniti Construction Services, to develop new procedures for replacing covers to power panels.
 - g. In response to a TCEQ recommendation related to the July 25, 2006 emissions event, redesigned the air dryer recirculation line to include a check valve to prevent wet air from bypassing the air dryers.

- h. In response to a TCEQ recommendation related to the August 22, 2006 emissions event, scheduled the replacement of the S1 positioner with a new model during the April 2008 maintenance shutdown.
11. 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.
12. 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.

II. ALLEGATIONS

During investigations conducted on March 17, 2004, March 13, 2006, March 22, 2006, August 14, 2006, September 20, 2006 and a record review conducted on March 4, 2005, by a TCEQ Houston Regional Office investigator, BASF is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 101.20(1) and 116.115(c); 40 C.F.R. § 60.662; Air Permit No. 1733A, Special Condition 5; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the catalytic oxidizer temperatures at required levels. Specifically, oxidizer R-170 (EPN 11-1-2), in the Cyclohexanone 2 Unit, was operating from January 18, 2003 to March 17, 2004, at less than the required temperature, established by the January 2001 performance test.
2. 30 TEX. ADMIN. CODE § 101.20(1); 40 C.F.R. §§ 60.113b(a)(5) and 60.115b(a)(3); and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to notify the TCEQ prior to filling or refilling Tank D-60 C on February 1, 2004.
3. 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent the unauthorized emissions of 170 pounds (lbs), 156.5 lbs, 23.2 lbs, and 1,035 lbs of volatile organic compounds (VOCs) from the demethanator (EPN 11-1-101) on December 12, 2002, January 13, 2003, August 11, 2003 and October 21, 2003, respectively.
4. 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to limit emissions from Flare 5-2-FL200 (EPN 5-2-02) ("the Flare") in the OXO Alcohols Unit to those established by the permit. Specifically, the Flare emitted 0.35 lbs per hour (lbs/hr) of carbon monoxide (CO) and 111.9 lbs/hr of VOCs during a 5 hour and 41 minute emission event on November 1, 2004, while the emissions limited by the permit are 0.11 lbs/hr and 0.05 lb/hr, respectively. Because the emission event could have been avoided by good operation practices, the emissions do not

meet the demonstration criteria of 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense.

5. 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with permitted emission limits by allowing unauthorized emissions of 130 lbs of propylene to be released. The event occurred on July 25, 2006 and lasted for 1.2 hours. Specifically, BASF failed to prevent the accumulation of moisture in the instrument air of the OXO Alcohols/Syngas Unit, which resulted in a unit shut down. Because the emissions event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,020.58 lbs of VOCs, 4,679.07 lbs of CO, and 128.75 lbs of nitrogen oxides (NOx) were released from EPN 5-2-02 in the OXO Alcohols/Syngas Unit during an emissions event that began on August 22, 2006 and lasted 8 hours and 25 minutes. Because the emissions event was avoidable, BASF Corporation failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
7. 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with permitted emissions. Specifically, during a 2.5 hour emissions event on February 7, 2006, the C-100A propylene recycle compressor shut down because it became overloaded during a production rate increase, resulting in emissions to EPN 5-2-02 in the OXO Alcohols/ Syngas. The flare emitted 476 lbs of VOC, 302 lbs of CO, and 42 lbs of NOx, while the permit limits are 0.05, 0.11, and 0.03 lbs/hr, respectively. Because the emissions event could have been avoided by better operations practices, the emissions do not meet the demonstration criteria in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense.
8. 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8074A, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with permitted emissions limit. Specifically, during a 6 hour emissions event on March 2, 2006, the OXO Alcohols/Syngas Unit shut down when an employee shut off the main breaker switch to the panel supplying power to the unit, resulting in emissions to EPN 5-2-02. The flare emitted 901 lbs of VOC, 108 lbs of NOx, and 3,492 lbs of CO, while the permits are 0.05, 0.03, and 0.11 lbs per hour, respectively. Because this emissions event could have been avoided by better operations practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense.

III. DENIALS

BASF generally denies each allegation in Section II ("Allegations"):

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that BASF pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and BASF's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which 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 Corporation, Docket No. 2006-0735-AIR-E" 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. BASF shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with Tex. Water Code § 7.067. Forty three thousand five hundred sixty dollars (\$43,560.00) of the assessed administrative penalty shall be offset with the condition that BASF implement the SEP defined in Attachment A, incorporated herein by reference. BASF'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. BASF shall undertake the following technical requirements:
 - a. With respect to the application to amend TCEQ Permit No. 8074A to adjust the emission limits for FL-200A, which was submitted on April 24, 2007, respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests, or by any other deadline specified in writing.
 - b. Within 240 days after the effective date of this Agreed Order, submit written certification that an amendment to Permit No. 8074A with respect to FL-200A has been issued, or that FL-200A will remain subject to the existing emission limits in Permit No. 8074A unless and until adjusted by future permitting action; or

- c. If necessary, request of, and receive from, the Executive Director an extension of the time limit stipulated in Ordering Provision 3.b. above.
- d. The certification required by Ordering Provision 3.b shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify that under the 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 obtained 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

with a copy to:

Manager, Air Section
Houston Regional Office
Texas Commission on Environmental Quality 5425 Polk Avenue,
Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon BASF. BASF is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If BASF 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, BASF's failure to comply is not a violation of this Agreed Order. BASF shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. BASF shall notify the Executive Director within seven days after BASF 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 BASF shall be made in writing to the Executive Director. Extensions are not effective until BASF receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against BASF 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to BASF, or three days after the date on which the Commission mails notice of the Order to BASF, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

J. Bergeron Pendue
For the Executive Director

1/14/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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.

Arthur R. Colwell
Signature

11-9-07
Date

Arthur R. Colwell
Name (Printed or typed)
Authorized representative of
BASF Corporation

Vice President + General Manager
Title

Attachment A
Docket Number: 2006-0735-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: BASF Corporation
Penalty Amount: Eighty-seven thousand one hundred twenty dollars (\$87,120)
SEP Amount: Forty-three thousand five hundred sixty dollars (\$43,560)
Type of SEP: Pre-approved
Third-Party Recipient: Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") *Clean Cities/Clean Vehicles Program*
Location of SEP: Brazoria 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. Specifically, the contribution will be used in accordance with the Supplemental Environmental Project Agreement between AERCO and the Texas Commission on Environmental Quality for the *Clean Cities/Clean Vehicles Program* in Brazoria County. SEP monies will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap.

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.

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

BASF Corporation
Agreed Order

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The 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 must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, TX 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount 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 with the notation "SEP Refund" and the docket number of the case, and shall send it to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Office of Legal Services

BASF Corporation
Agreed Order

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.