

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0572-AIR-E **TCEQ ID:** RN100218049 **CASE NO.:** 37497
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: BASF Freeport Site, 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 no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-1983-AIR-E.</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 August 10, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Bonnie Coughlin, EHS Team Leader, BASF Corporation, 602 Copper Road, Freeport, Texas 77541 Mr. Arthur R. Colwell, Vice President and General Manager, BASF Corporation, 602 Copper Road, Freeport, Texas 77541 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 25, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 15, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, 125 pounds of benzene were released from the Caprolactam 2 Unit, when the Respondent failed to keep the benzene concentration of the liquid in scrubber S-260 within the level specified for proper operation, resulting in an emissions event which began on November 14, 2008, and lasted for 82 hours (Incident No. 119861). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 1733A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to submit the initial notification for Incident No. 119861 within 24 hours of discovery and failed to submit the final report within two weeks after the end of the event. Specifically, the incident began on November 14, 2008, and lasted for 82 hours, but the initial report was not submitted until February 6, 2009, and the final report was not submitted until February 20, 2009 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,507</p> <p>Total Deferred: \$1,301 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,206</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 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On February 18, 2009, revised the Quality Assurance Laboratory Procedure to correctly calculate benzene concentrations, so that the problem which triggered this emissions event does not recur; and</p> <p>b. On March 2, 2009, completed training to ensure that all emissions event notifications are submitted in a timely manner.</p>

Additional ID No(s): BL00210



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	20-Apr-2009	Screening	21-Apr-2009	EPA Due	10-Jan-2010
	PCW	21-Apr-2009				

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.	37497	No. of Violations	2
Docket No.	2009-0572-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,700
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	166.0% Enhancement	Subtotals 2, 3, & 7
Notes	Penalty enhancement due to three 1660 agreed orders with denial of liability, one order without denial of liability, 13 same or similar NOVs, and eight non-similar NOVs.	
Culpability	No	0.0% Enhancement
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5
		\$675
Economic Benefit	0.0% Enhancement*	Subtotal 6
Notes	Total EB Amounts \$14 Approx. Cost of Compliance \$1,000 *Capped at the Total EB \$ Amount	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,507
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment
Notes	Reduces or enhances the Final Subtotal by the indicated percentage.	
		Final Penalty Amount
		\$6,507
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty
		\$6,507
DEFERRAL	20.0% Reduction	Adjustment
Notes	Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	
		Deferral offered for expedited settlement.
PAYABLE PENALTY		\$5,206

Screening Date 21-Apr-2009	Docket No. 2009-0572-AIR-E	PCW
Respondent BASF Corporation		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37497		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN100218049		
Media [Statute] Air		
Enf. Coordinator Nadia Hameed		

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>	13	65%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 submitted)</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%

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) 166%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to three 1660 agreed orders with denial of liability, one order without denial of liability, 13 same or similar NOV's, and eight non-similar NOV's.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 166%

Screening Date 21-Apr-2009 **Docket No.** 2009-0572-AIR-E **PCW**
Respondent BASF Corporation *Policy Revision 2 (September 2002)*
Case ID No. 37497 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100218049
Media [Statute] Air
Enf. Coordinator Nadia Hameed

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 1733A, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)
Violation Description
 Failed to prevent unauthorized emissions. Specifically, 125 pounds of benzene were released from the Caprolactam 2 Unit, when the Respondent failed to keep the benzene concentration of the liquid in scrubber S-260 within the level specified for proper operation, resulting in an emissions event which began on November 14, 2008, and lasted for 82 hours (Incident No. 119861). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Violation Events

Number of Violation Events Number of violation days
 mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty
 One quarterly event is recommended based upon the emissions event that occurred on November 14, 2008.

Good Faith Efforts to Comply Reduction
 Before NOV NOV to EDRP/Settlement Offer

Extraordinary
 Ordinary
 N/A (mark with x)
Notes The Respondent completed the corrective actions on February 18, 2009, prior to April 15, 2009 NOE.
Violation Subtotal

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. 37497
Reg. Ent. Reference No. RN100218049
Media Air
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	14-Nov-2008	18-Feb-2009	0.26	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost for revising the quality assurance laboratory procedure to correctly calculate benzene concentrations. The date required is based on the date of the emissions event. The final date is based on the date the corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

Screening Date 21-Apr-2009	Docket No. 2009-0572-AIR-E	PCW			
Respondent BASF Corporation		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37497		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100218049					
Media [Statute] Air					
Enf. Coordinator Nadia Hameed					
Violation Number 2					
Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B) and (c) and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to submit the initial notification for Incident No.119861 within 24 hours of discovery and failed to submit the final report within two weeks after the end of the event. The incident began on November 14, 2008, and lasted for 82 hours, but the initial report was not submitted until February 6, 2009, and the final report was not submitted until February 20, 2009.				
	Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="1%"/>
Matrix Notes	Less than 30% of the rule requirement was not met.				
	Adjustment	\$9,900			
\$100					
Violation Events					
	Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="84"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$200"/>
	weekly	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text"/>	<input type="text"/>		
	quarterly	<input type="text"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
single event	<input type="text" value="x"/>	<input type="text"/>			
Two single events are recommended for the two late reports documented during the investigation.					
Good Faith Efforts to Comply		25.0% Reduction		<input type="text" value="\$50"/>	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>			
Notes	The Respondent completed the corrective actions on March 2, 2009, prior to the April 15, 2009 NOE.				
	Violation Subtotal	<input type="text" value="\$150"/>			
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$7"/>	Violation Final Penalty Total	<input type="text" value="\$482"/>	
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$482"/>	

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 37497
Reg. Ent. Reference No. RN100218049
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	14-Nov-2008	2-Mar-2009	0.30	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for training to submit timely notifications. The date required is based on the date of the emissions event. The final date is based on the date the corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124895 BASF Corporation	Classification: AVERAGE	Rating: 2.72
Regulated Entity:	RN100218049 BASF FREEPORT SITE	Classification: AVERAGE	Site Rating: 2.59

ID Number(s):	Description	Type	ID Number
	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	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	BL0021O
AIR NEW SOURCE PERMITS	PERMIT	735C
AIR NEW SOURCE PERMITS	PERMIT	19698
AIR NEW SOURCE PERMITS	PERMIT	19886
AIR NEW SOURCE PERMITS	PERMIT	34793
AIR NEW SOURCE PERMITS	PERMIT	35389
AIR NEW SOURCE PERMITS	PERMIT	40799
AIR NEW SOURCE PERMITS	PERMIT	42856
AIR NEW SOURCE PERMITS	PERMIT	55239
AIR NEW SOURCE PERMITS	EPA ID	PSDTX193M1
AIR NEW SOURCE PERMITS	PERMIT	47112
AIR NEW SOURCE PERMITS	AFS NUM	4803900017
AIR NEW SOURCE PERMITS	REGISTRATION	56742
AIR NEW SOURCE PERMITS	EPA ID	PSDTX651M1
AIR NEW SOURCE PERMITS	PERMIT	71145
AIR NEW SOURCE PERMITS	PERMIT	54190
AIR NEW SOURCE PERMITS	REGISTRATION	72728
AIR NEW SOURCE PERMITS	PERMIT	56520
AIR NEW SOURCE PERMITS	REGISTRATION	74947
AIR NEW SOURCE PERMITS	REGISTRATION	77324

AIR NEW SOURCE PERMITS	PERMIT	78452
AIR NEW SOURCE PERMITS	REGISTRATION	79305
AIR NEW SOURCE PERMITS	REGISTRATION	79691
AIR NEW SOURCE PERMITS	REGISTRATION	80499
AIR NEW SOURCE PERMITS	REGISTRATION	80352
AIR NEW SOURCE PERMITS	REGISTRATION	81340
AIR NEW SOURCE PERMITS	REGISTRATION	51026
AIR NEW SOURCE PERMITS	REGISTRATION	83062
AIR NEW SOURCE PERMITS	REGISTRATION	85333
AIR NEW SOURCE PERMITS	REGISTRATION	87592
AIR NEW SOURCE PERMITS	REGISTRATION	85530
AIR NEW SOURCE PERMITS	REGISTRATION	85188
AIR NEW SOURCE PERMITS	REGISTRATION	82606
AIR NEW SOURCE PERMITS	REGISTRATION	85277
AIR NEW SOURCE PERMITS	REGISTRATION	87946
AIR NEW SOURCE PERMITS	REGISTRATION	87472
UNDERGROUND INJECTION CONTROL	PERMIT	WDW051
UNDERGROUND INJECTION CONTROL	PERMIT	WDW099
UNDERGROUND INJECTION CONTROL	PERMIT	WDW408
UNDERGROUND INJECTION CONTROL	PERMIT	WDW409
WATER LICENSING	LICENSE	0200501
UNDERGROUND INJECTION CONTROL WATER	PERMIT	WDW409

Location: 602 COPPER RD, FREEPORT, TX, 77541

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 20, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 20, 2004 to April 20, 2009

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

Name: Nadia Hameed Phone: 713-767-3629

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 08/28/2004

ADMINORDER 2003-0222-AIR-E

Classification: Major

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

5C THC Chapter 382, SubChapter D 382.085(a)

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

Description: Unauthorized and excessive emissions were released.

Effective Date: 10/25/2007

ADMINORDER 2007-0247-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Permit No. 1733A PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Permit No. 9513A PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 04/03/2008

ADMINORDER 2006-0735-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662

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

Rqmt Prov: Special Condition 5 PERMIT

Description: Failing to maintain the catalytic oxidizer at required levels.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)

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

Description: Failing to notify the TCEQ prior to filling or refilling of Tank D-60 C on February 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

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

Description: Failing to prevent the unauthorized emissions of 170 pounds (lbs), 156.5 lbs, 23.2 lbs, and 1,035 lbs of process or continuous, unauthorized 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 pounds to dates.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit #8074A, SC #1 PA

Description: Failing to limit emissions from Flare 5-2-FL200 (EPN 5-2-02) in the OXO Alcohols Unit to those established by the permit.

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failing to comply with permitted emissions.

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failing to comply with permitted emissions limit.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: 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.

Classification: Moderate

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

Rqmt Prov: Permit No. 8074A, Special Condition 1 PERMIT

Description: Failing to prevent unauthorized emissions.

Effective Date: 03/12/2009

ADMINORDER 2007-1508-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ NSR Permit No. 8074A, SC No. 1 PERMIT

Description: Failed to control unauthorized emissions from the OXO Flare, FL-200, on May 2, 2007.

Specifically, during an event which lasted two hours and 59 minutes, the following emissions were unauthorized: 478.85 pounds ("lbs") of volatile organic compounds, 2,289.61 lbs of carbon monoxide, and 71.39 lbs of nitrogen oxides. Because the Respondent failed to provide timely notice of the emissions event, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit timely final notification for the May 2, 2007 event. Specifically, final notification was required to be submitted within two weeks after the end of the emission event. BASF did not submit the final report until May 17, 2007.

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	04/20/2004	(296676)
2	04/28/2004	(264648)
3	05/03/2004	(269887)
4	05/03/2004	(269890)
5	05/04/2004	(250402)
6	05/07/2004	(266213)
7	05/17/2004	(296679)
8	05/19/2004	(272261)
9	05/21/2004	(250203)
10	05/26/2004	(273606)
11	05/27/2004	(273809)
12	05/27/2004	(273826)
13	06/02/2004	(274107)
14	06/09/2004	(256599)
15	06/17/2004	(273337)
16	06/21/2004	(296681)
17	06/21/2004	(296683)
18	08/05/2004	(274585)
19	08/05/2004	(274590)
20	08/05/2004	(274595)
21	08/17/2004	(278836)
22	08/18/2004	(286229)
23	08/18/2004	(352725)

24	08/19/2004	(286312)
25	09/01/2004	(279375)
26	09/02/2004	(247960)
27	09/13/2004	(284657)
28	09/21/2004	(352726)
29	09/23/2004	(290934)
30	09/23/2004	(334721)
31	09/29/2004	(293381)
32	09/30/2004	(293375)
33	10/19/2004	(293378)
34	10/20/2004	(337752)
35	10/20/2004	(352727)
36	11/08/2004	(336518)
37	11/12/2004	(337392)
38	11/23/2004	(382107)
39	12/06/2004	(342105)
40	12/09/2004	(339233)
41	12/09/2004	(339374)
42	12/15/2004	(382108)
43	12/16/2004	(339143)
44	12/20/2004	(281723)
45	12/20/2004	(287154)
46	12/21/2004	(289777)
47	12/28/2004	(275252)
48	12/30/2004	(337803)
49	12/30/2004	(338117)
50	12/30/2004	(338316)
51	01/03/2005	(281278)
52	01/03/2005	(345085)
53	01/05/2005	(339041)
54	01/21/2005	(382109)
55	01/31/2005	(347355)
56	02/23/2005	(382105)
57	03/03/2005	(347495)
58	03/03/2005	(349369)
59	03/03/2005	(349394)
60	03/10/2005	(349400)
61	03/21/2005	(382106)
62	03/23/2005	(347356)
63	04/19/2005	(373770)
64	04/22/2005	(419961)
65	04/25/2005	(377465)
66	04/25/2005	(377466)
67	05/11/2005	(372974)
68	05/12/2005	(376490)
69	05/23/2005	(381384)
70	05/23/2005	(393169)
71	05/23/2005	(419962)
72	05/23/2005	(419964)
73	05/24/2005	(379291)
74	05/24/2005	(379611)
75	06/06/2005	(394016)
76	06/13/2005	(378146)
77	06/17/2005	(396050)
78	06/17/2005	(396245)
79	06/20/2005	(419963)
80	07/14/2005	(397522)
81	08/02/2005	(401794)
82	08/02/2005	(402492)

83	08/02/2005	(402694)
84	08/03/2005	(402980)
85	08/03/2005	(403000)
86	08/10/2005	(402755)
87	08/10/2005	(404111)
88	08/11/2005	(401786)
89	08/19/2005	(441078)
90	09/19/2005	(418588)
91	09/21/2005	(441079)
92	10/21/2005	(441080)
93	10/21/2005	(441081)
94	11/08/2005	(432025)
95	11/16/2005	(468857)
96	12/02/2005	(405555)
97	12/08/2005	(403855)
98	12/20/2005	(468858)
99	12/30/2005	(436666)
100	01/02/2006	(439777)
101	01/02/2006	(440234)
102	01/17/2006	(436507)
103	01/20/2006	(451686)
104	01/30/2006	(450256)
105	01/30/2006	(450778)
106	02/03/2006	(450363)
107	02/14/2006	(453833)
108	02/22/2006	(468854)
109	03/21/2006	(498483)
110	03/28/2006	(450863)
111	03/28/2006	(456834)
112	03/28/2006	(456877)
113	03/28/2006	(456881)
114	03/28/2006	(456991)
115	03/29/2006	(456450)
116	03/29/2006	(457262)
117	03/29/2006	(457427)
118	03/30/2006	(452957)
119	04/04/2006	(458505)
120	04/17/2006	(460116)
121	04/17/2006	(468855)
122	04/17/2006	(468856)
123	04/20/2006	(462472)
124	04/21/2006	(454595)
125	04/28/2006	(457444)
126	05/08/2006	(464383)
127	05/08/2006	(464623)
128	05/08/2006	(464642)
129	05/08/2006	(464770)
130	05/09/2006	(456731)
131	05/10/2006	(463574)
132	05/12/2006	(465545)
133	05/16/2006	(465894)
134	05/18/2006	(498484)
135	05/19/2006	(462792)
136	05/19/2006	(462793)
137	05/25/2006	(464223)
138	06/19/2006	(481723)
139	06/21/2006	(498485)
140	06/27/2006	(479895)
141	06/27/2006	(483624)

142	07/12/2006	(483737)
143	07/12/2006	(484356)
144	07/20/2006	(486350)
145	07/20/2006	(486367)
146	08/14/2006	(484324)
147	08/21/2006	(520485)
148	08/24/2006	(510032)
149	08/31/2006	(509144)
150	09/01/2006	(486203)
151	09/01/2006	(486347)
152	09/01/2006	(489452)
153	09/01/2006	(489607)
154	09/08/2006	(490204)
155	09/15/2006	(510723)
156	09/22/2006	(520486)
157	10/23/2006	(544844)
158	11/14/2006	(517775)
159	11/20/2006	(513396)
160	11/27/2006	(544845)
161	12/11/2006	(516628)
162	12/15/2006	(544846)
163	12/15/2006	(544847)
164	01/08/2007	(397670)
165	01/24/2007	(537748)
166	01/25/2007	(461764)
167	02/09/2007	(453599)
168	02/20/2007	(544843)
169	03/15/2007	(575896)
170	03/26/2007	(540143)
171	03/26/2007	(543487)
172	04/12/2007	(542356)
173	04/12/2007	(542794)
174	04/12/2007	(542797)
175	04/13/2007	(575897)
176	04/25/2007	(555277)
177	05/07/2007	(558822)
178	05/08/2007	(542324)
179	05/16/2007	(575898)
180	06/20/2007	(561427)
181	06/20/2007	(563156)
182	06/20/2007	(575899)
183	06/25/2007	(560674)
184	07/13/2007	(575900)
185	07/13/2007	(575901)
186	08/08/2007	(568683)
187	08/09/2007	(565176)
188	08/09/2007	(568719)
189	08/15/2007	(571713)
190	08/16/2007	(607649)
191	08/22/2007	(573257)
192	08/24/2007	(573035)
193	08/28/2007	(543648)
194	08/28/2007	(566913)
195	08/29/2007	(574047)
196	09/11/2007	(570687)
197	09/20/2007	(607651)
198	09/28/2007	(565185)
199	10/02/2007	(564246)
200	10/17/2007	(595549)

201	10/17/2007	(607650)
202	10/19/2007	(566894)
203	10/26/2007	(574216)
204	11/15/2007	(619732)
205	11/30/2007	(597674)
206	12/10/2007	(571179)
207	12/13/2007	(598001)
208	12/18/2007	(619733)
209	12/20/2007	(599522)
210	01/17/2008	(613024)
211	01/24/2008	(609913)
212	02/20/2008	(617152)
213	02/20/2008	(672234)
214	02/28/2008	(617153)
215	02/28/2008	(617651)
216	02/28/2008	(617654)
217	02/28/2008	(618449)
218	03/17/2008	(672235)
219	03/17/2008	(672237)
220	03/31/2008	(616921)
221	03/31/2008	(616930)
222	04/18/2008	(672236)
223	04/29/2008	(640385)
224	04/29/2008	(640393)
225	04/29/2008	(646551)
226	05/16/2008	(640824)
227	05/16/2008	(654109)
228	05/18/2008	(636986)
229	05/23/2008	(640304)
230	05/23/2008	(653962)
231	05/23/2008	(680194)
232	05/23/2008	(680196)
233	05/27/2008	(641286)
234	05/27/2008	(641334)
235	06/18/2008	(690155)
236	06/18/2008	(690156)
237	06/25/2008	(684122)
238	07/02/2008	(636628)
239	07/07/2008	(614573)
240	07/07/2008	(640873)
241	07/07/2008	(653346)
242	07/17/2008	(690157)
243	08/01/2008	(687321)
244	08/14/2008	(687862)
245	08/20/2008	(681439)
246	08/20/2008	(710947)
247	08/26/2008	(689233)
248	08/26/2008	(689262)
249	08/27/2008	(686679)
250	08/28/2008	(686675)
251	09/11/2008	(700089)
252	09/16/2008	(710949)
253	10/16/2008	(710948)
254	10/29/2008	(686652)
255	10/29/2008	(687160)
256	11/13/2008	(727637)
257	11/20/2008	(707233)
258	11/24/2008	(683986)
259	12/01/2008	(571223)

260 12/04/2008 (708960)
261 12/08/2008 (707643)
262 12/15/2008 (654968)
263 01/29/2009 (700296)
264 01/29/2009 (707469)
265 02/12/2009 (653438)
266 02/17/2009 (726642)
267 02/25/2009 (726123)
268 03/06/2009 (709964)
269 03/13/2009 (703387)
270 03/27/2009 (736871)
271 04/15/2009 (736876)

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

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: 09/28/2004 (293381) CN600124895
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: 10/19/2004 (293378) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Permit No. 735B amd PSD-TX-908 SC 7 PA
Description: The RE failed to control the CO and NOx emissions associated with the boilers
B-20-A and B-20-C

Date: 08/11/2005 (401786)
Self Report? NO Classification: Moderate
Citation: 735B SC12 PERMIT
Description: Failing to operate the CEMS of the Boilers, 20A and 20C in the time shared mode during the RATA testing.

Date: 02/15/2006 (453833) CN600124895
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)
O-01927, SC 1A OP
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)
O-01927, SC1D OP
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)
O-01927, SC 20A OP
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)
O-01927, SC 1A OP
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)
O-01927, General Terms and Conditions OP
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)
O-01927, SC 1D OP
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)
O-01927, SC 16A(i)(2) OP
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)
O-01927, SC 1F OP
Description: Failure to collect a minimum of three sets of samples during the quarterly cooling
tower sampling.

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)
O-01926, SC 1A OP
Description: Failure to conduct monthly monitoring of the closed vent systems for three units.
Self Report? NO Classification: Minor
Citation: 1733, SC 6E PERMIT
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)
O-01926, SC 1A and 11 OP
Description: Failure to plug open-ended lines or valves.
Self Report? NO Classification: Minor
Citation: 1733A, SC 21D PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01926, SC 1A and 11 OP
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)
O-01926, SC 1A OP
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)
O-01926, General Terms and Conditions OP
Description: Failure to report all deviations in the semiannual deviation report.
Self Report? NO Classification: Minor
Citation: 1733A, SC 10D PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01926, SC 1A and 11 OP
Description: Failure to comply with the applicable requirements of 40 CFR 60, Subpart NNN

Date: 06/21/2006 (510032)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Self-reporting Requirements PERMIT

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

Date: 09/30/2006 (544844)

CN600124895

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/11/2006 (516628)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
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 60.485(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
7223A and PSD-TX-193M3, SC 7F PA
OP - O-01259, SC 9A OP

Description: Failure to monitor leaking valve with an approved gas analyzer

Date: 08/28/2007 (543648)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
5C THC Chapter 382, SubChapter D 382.085(b)
OP 0-1926, SC 1 OP

Description: Failure to submit semiannual report.

Self Report? NO

Classification: Minor

Citation: 1733A, SC 29D PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01926, SC 11 OP

Description: Failure to comply with permit condition, missing record of charcoal tower monitoring.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01926, SC 11 OP
P 1733A, SC 1 PA

Description: Failure to comply with permit condition, maximum allowable emission rates for loading of caprolactam on both hourly, and annual basis.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01926, SC 1A. OP

Description: Failure to notify TCEQ about deviations in the annual compliance certification report.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01926, SC 1A. OP

Description: Failure to notify TCEQ of exceeding loading limits in semiannual reports.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01926, SC 11. OP
Permit #1733A, SC 5 PA

Description: Failure to comply with annual barge loading limit for caprolactam.

Self Report? NO

Classification: Major

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

5C THC Chapter 382, SubChapter D 382.085(b)
 OP 0-1926, SC 11 OP
 Permit #1733A, SC 5 PA
 Description: The hourly barge loading limit, (Unit ID #11-1-52) of 18,000 gallons/hr of anone was exceeded.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 11 OP
 P 1733A, SC 29C. PA

Description: The concentration of T-150 VOC exceeded 500 ppmv.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP 0-1926, SC 11 OP
 P 1733A, SC 12 PA

Description: Failure to record opacity.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.272(c)(1)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 8 OP

Description: Failure to restore calculation flow to PIMS, Unit ID 7-1-D45A1.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 11. OP
 P 1733A, 20C. PA

Description: Flare was operated at 89.4% destruction efficiency.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit reports required by changes associated with the NOx, CEMS.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 2F. OP

Description: Failure to generate emission events final records.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 11. OP
 P 1733A, SC1. PA

Description: Unit ID #7-2-3/7-2-4, exceeded the maximum allowable emission rates loading for cyclohexanone on an hourly basis.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 11. OP
 P 1733A, SC 15E. PA

Description: Failure to cap/plug open-ended line. This is Category C10.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01926, SC 11. OP
 P 1733A, SC 5. PA

Description: Failure to comply with the hourly railcars loading limit for caprolactam

Date: 09/30/2007 (607650)

CN600124895

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/13/2007 (543575)

Self Report? NO

Classification: Moderate

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)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 13 OP
P 9513A and PSD-TX-641M1, SC 19E PA

Description: Failure to cap/seal open-ended lines. This is Category C 10.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 1A OP
P 9513A and PSD-TX-641M1, SC 3 PA

Description: Failure to submit semiannual report on time for the following units: PROAAE2, PROAAG, PROEHA, PROBA. ,

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.121(5)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 13 OP

Description: Exceedence of opacity limit of 5% for the waste gas incinerator (Unit ID #4-2-IN5500).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 13 OP
P 9513A and PSD-TX-641M1, SC 4 PA

Description: Failure to maintain startup, shutdown, and malfunction plan

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1203(a)(5)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 13 OP
P 9513A and PSD-TX-641M1, SC 1 PA

Description: Exceedence of CO emission limit during startup

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(2)(v)(B)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 13 OP
P 9513A and PSD-TX-641M1, SC 4 PA

Description: Excess gas stack to waste feed

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01927, SC 13 OP
P 9513A and PSD-TX-641M1, SC 16 PA

Description: Pilot flame to flare went out during normal operation

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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01927, SC 1A OP
 Description: Failure to report deviations in 2005 and 2006 semiannual reports
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01927, SC 1A OP
 Description: Failure to notify TCEQ in annual compliance certification period for 2004 of hourly
 CO and NOx MAER exceedences.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to submit reports required by changes associated with the NOx, CEMS.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.165(c)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to certify deviation report
 Self Report? NO Classification: Moderate
 Citation: P 9513A and PSD-TX-641M1, SC 3C, 19F PA
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 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 60.482-7(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01927, SC 13 OP
 Description: Failure to monitor valves
 Self Report? NO Classification: Moderate
 Citation: P 9513A and PSD-TX-641M1, SC 3, 19G, PA
 30 TAC Chapter 115, SubChapter H 115.781(b)
 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 60.482-2(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01927, SC 13 OP
 Description: Failure to monitor pumps
 Self Report? NO Classification: Moderate
 Citation: P 9513A and PSD-TX-641M1, SC 3C, 19G, PA
 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01927, SC 13 OP
 Description: Failure to monitor 2 compressors
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to monitor connectors
 Date: 02/28/2008 (617654)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.63(g)
 Provision V.C. PERMIT
 Description: The waste injected to well WDW-051 exceeded the pH permit limit of 12.5 for
 approximately 52 minutes.
 Date: 05/19/2008 (636986) CN600124895
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)(4)(i)

5C THSC Chapter 382 382.085(b)
NSR#40799, SC#16C PERMIT
OP#O-02158, SC# 10 OP
OP#O-02158, SC#1D OP

Description: Exceeded the particulate ash feed rate

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)(2)(vi)
5C THSC Chapter 382 382.085(b)
FOP#O-02158, SC10 OP
FOP#O-02158, SC1D OP
NSR#40799, SC#16C PERMIT

Description: Failure to ensure waste feed analysis is up-to-date.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP#O-02158, GTC OP

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

Date: 07/03/2008 (636628)

CN600124895

Self Report? NO

Classification: Moderate

Citation: 1733A, SC 12 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01926, SC 11 OP

Description: Failure to maintain daily average liquid circulation rate and pressure on the salt scrubber greater than maintained during the most recent performance test.

Self Report? NO

Classification: Minor

Citation: 1733A, SC 15E PA
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)
5C THSC Chapter 382 382.085(b)
O-01926, SC 11 OP

Description: Failure to plug/cap all open ended lines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to create final records of an emissions event within two weeks.

Self Report? NO

Classification: Moderate

Citation: 1733A, SC 1 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01926, SC 11 OP

Description: Failure to keep emissions below the limits specified in the Maximum Allowable Emission Rates Table attached to NSR Permit 1733A.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01926, GC 1 OP

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

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.272(c)(2)
5C THSC Chapter 382 382.085(b)
O-01926, SC 1A OP

Description: Failure to comply with the operating plan submitted to the EPA administrator for the benzene scrubbers.

Date: 08/14/2008 (687862) CN600124895
Self Report? NO Classification: Moderate
Citation: 0-01927 General Terms and Conditions OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a complete and accurate first semi-annual deviation report.

Date: 08/22/2008 (681439) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)
5C THSC Chapter 382 382.085(b)
FOP O-01928 General Terms and Conditions OP
Description: BASF Freeport Site failed to meet the reporting requirements for federal operating permits by failing to include all required information in the PCC report dated March 26, 2008. (FOP O-01928)

Date: 08/28/2008 (686675) CN600124895
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 2F OP
Description: Failed to generate final record of a recordable emission event within the two weeks after the end of the incident.

Date: 03/06/2009 (709964) CN600124895
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 Part 60, Subpart VV 60.482-6
and PSD-TX-193M3 Special Condition #7E PERMIT
Special Condition #6A(iii) OP
Description: Failure to seal one (1) open-ended line in VOC service. (Category C10 violation)
Self Report? NO Classification: Moderate
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)
5C THSC Chapter 382 382.085(b)
Special Condition #1A OP
Description: failed to conduct fugitive monitoring of the closed vent system. (Category B1 violation)

Date: 03/13/2009 (703387) CN600124895
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
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 A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC 4 PA
STC 13 OP
STC 1A OP
Description: BASF Freeport site failed to meet the minimum heat requirements for Flare FL-200. FOP O-01928; NSR 8074A

Date: 03/27/2009 (736871) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 1733A, SC #1 PERMIT

Description: BASF failed to prevent a valve closure which shut off all liquid flow to the scrubber resulting in unauthorized emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BASF failed to submit the initial notification within the required timeframe.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF CORPORATION
RN100218049

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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0572-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 602 Copper Road in Freeport, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 20, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Five Hundred Seven Dollars (\$6,507) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Two Hundred Six Dollars (\$5,206) of the administrative penalty and One Thousand Three Hundred One Dollars (\$1,301) is deferred contingent upon the

- Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 18, 2009, revised the Quality Assurance Laboratory Procedure to correctly calculate benzene concentrations, so that the problem which triggered this emissions event does not recur; and
 - b. On March 2, 2009, completed training to ensure that all emissions event notifications are submitted in a timely manner.
 10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 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

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 1733A, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 25, 2009. Specifically, 125 pounds of benzene were released from the Caprolactam 2 Unit, when the Respondent failed to keep the benzene concentration of the liquid in scrubber S-260 within the level specified for proper operation, resulting in an emissions event which began on November 14, 2008, and lasted for 82 hours (Incident No. 119861). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to submit the initial notification for Incident No. 119861 within 24 hours of discovery and failed to submit the final report within two weeks after the end of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 25, 2009. Specifically, the incident began on November 14, 2008, and lasted for 82 hours, but the initial report was not submitted until February 6, 2009, and the final report was not submitted until February 20, 2009.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF Corporation, Docket No. 2009-0572-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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

John Szallies

For the Executive Director

7/31/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; 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

5/28/09

Date

Arthur R. Colwell

Name (Printed or typed)
Authorized Representative of
BASF Corporation

Vice President & General Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.