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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1277-AIR-E TCEQ ID: RN100218049 CASE NO.: 38553
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"/> IMMEDIATE 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 no record of additional 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 March 29, 2010. 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. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Rodney Kutz, 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 10, 2009</p> <p>Date of NOV/NOE Relating to this Case: October 6, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, a loose connection on a switchgear wire of a main electrical bus developed a hot spot and burned through the wire, causing power failure of an entire bank of switchgears and shutting down of the Cyclohexanone 2 Facility and R-170 Catalytic Incinerator. This resulted in a release of unauthorized volatile organic compounds ("VOC") of 1,987 pounds from Emission Point Number ("EPN") 11-1-47, 292 pounds from EPN 11-1-D193, and 1,156.16 pounds from EPN 11-1-2, totalling 3,435.16 pounds of VOC for 47 hours 45 minutes beginning on July 12, 2009 (Incident No. 126747). Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 1733A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,425</p> <p>Total Deferred: \$1,285 <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: \$5,140</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement procedures to regularly check for faulty wire connections that address the causes leading to the emissions event that occurred on July 12, 2009; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): BL00210



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Oct-2009			
	PCW	15-Oct-2009	Screening	12-Oct-2009	EPA Due 3-Jul-2010

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.	38553	No. of Violations	1
Docket No.	2009-1277-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Martina Kusniadi
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 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.

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 12-Oct-2009

Docket No. 2009-1277-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 38553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218049

Media [Statute] Air

Enf. Coordinator Martina Kusniadi

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)	9	45%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 157%

>> 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 nine similar NOVs and 16 dissimilar NOVs, and four 1660-style agreed orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 157%

Screening Date 12-Oct-2009

Docket No. 2009-1277-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 38553

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218049

Media [Statute] Air

Enf. Coordinator Martina Kusniadi

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 1733A, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as documented during an investigation conducted on August 10, 2009. Specifically, a loose connection on a switchgear wire of a main electrical bus developed a hot spot and burned through the wire, causing power failure of an entire bank of switchgears and shutting down of the Cyclohexanone 2 Facility and R-170 Catalytic Incinerator. This resulted in a release of unauthorized volatile organic compounds ("VOC") of 1,887 pounds from Emission Point Number ("EPN") 11-1-47, 292 pounds from EPN 11-1-D193, and 1,156.16 pounds from EPN 11-1-2, totalling 3,435.16 pounds of VOC for 47 hours 45 minutes beginning on July 12, 2009 (Incident No. 126747). Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants that did not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended, based on the emissions event that occurred beginning on July 12, 2009.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$198

Violation Final Penalty Total \$6,425

This violation Final Assessed Penalty (adjusted for limits) \$6,425

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 38553
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)	\$5,000	12-Jul-2009	1-Feb-2010	0.56	\$9	\$186	\$196
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to implement procedures to regularly check for faulty wire connections. The Date Required is the date of the event and the Final Date is the date of expected compliance.

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

\$5,000

TOTAL

\$196

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124895	BASF Corporation	Classification: AVERAGE	Rating: 2.64
Regulated Entity:	RN100218049	BASF FREEPORT SITE	Classification: AVERAGE	Site Rating: 2.71
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		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	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	PSDTX959
AIR NEW SOURCE PERMITS	EPA ID	PSDTX641
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	PSDTX641M1
AIR NEW SOURCE PERMITS	REGISTRATION	90607
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	REGISTRATION	79305
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	90027
AIR NEW SOURCE PERMITS	REGISTRATION	90047
AIR NEW SOURCE PERMITS	REGISTRATION	90933
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	90942
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
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL00210

Location: 602 COPPER RD, FREEPORT, TX, 77541

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 13, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 12, 2004 to October 12, 2009

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

Name: Martina Kusniadi Phone: 713-767-3682

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: 9/1/2009 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: 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.

Effective Date: 09/21/2009

ADMINORDER 2009-0572-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 1733A, SC #1 PERMIT

Description: BASF failed to prevent an unauthorized benzene release.

Classification: Moderate

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

Description: BASF failed to submit notifications within the required timeframe.

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	10/19/2004	(293378)
2	10/20/2004	(337752)
3	10/20/2004	(352727)
4	11/08/2004	(336518)
5	11/12/2004	(337392)
6	11/23/2004	(382107)
7	12/06/2004	(342105)
8	12/09/2004	(339233)

9	12/09/2004	(339374)
10	12/15/2004	(382108)
11	12/16/2004	(339143)
12	12/20/2004	(281723)
13	12/20/2004	(287154)
14	12/21/2004	(289777)
15	12/28/2004	(275252)
16	12/30/2004	(337803)
17	12/30/2004	(338117)
18	12/30/2004	(338316)
19	01/03/2005	(281278)
20	01/03/2005	(345085)
21	01/05/2005	(339041)
22	01/21/2005	(382109)
23	01/31/2005	(347355)
24	02/23/2005	(382105)
25	03/03/2005	(347495)
26	03/03/2005	(349369)
27	03/03/2005	(349394)
28	03/10/2005	(349400)
29	03/21/2005	(382106)
30	03/23/2005	(347356)
31	04/19/2005	(373770)
32	04/22/2005	(419961)
33	04/25/2005	(377465)
34	04/25/2005	(377466)
35	05/11/2005	(372974)
36	05/12/2005	(376490)
37	05/23/2005	(381384)
38	05/23/2005	(393169)
39	05/23/2005	(419962)
40	05/23/2005	(419964)
41	05/24/2005	(379291)
42	05/24/2005	(379611)
43	06/06/2005	(394016)
44	06/13/2005	(378146)
45	06/17/2005	(396050)
46	06/17/2005	(396245)
47	06/20/2005	(419963)
48	07/14/2005	(397522)
49	08/02/2005	(401794)
50	08/02/2005	(402492)
51	08/02/2005	(402694)
52	08/03/2005	(402980)
53	08/03/2005	(403000)
54	08/10/2005	(402755)
55	08/10/2005	(404111)
56	08/11/2005	(401786)
57	08/19/2005	(441078)
58	09/19/2005	(418588)
59	09/21/2005	(441079)
60	10/21/2005	(441080)
61	10/21/2005	(441081)
62	11/08/2005	(432025)
63	11/16/2005	(468857)
64	12/02/2005	(405555)
65	12/08/2005	(403855)
66	12/20/2005	(468858)
67	12/30/2005	(436666)

68	01/02/2006	(439777)
69	01/02/2006	(440234)
70	01/17/2006	(436507)
71	01/20/2006	(451686)
72	01/30/2006	(450256)
73	01/30/2006	(450778)
74	02/03/2006	(450363)
75	02/14/2006	(453833)
76	02/22/2006	(468854)
77	03/21/2006	(498483)
78	03/28/2006	(450863)
79	03/28/2006	(456834)
80	03/28/2006	(456877)
81	03/28/2006	(456881)
82	03/28/2006	(456991)
83	03/29/2006	(456450)
84	03/29/2006	(457262)
85	03/29/2006	(457427)
86	03/30/2006	(452957)
87	04/04/2006	(458505)
88	04/17/2006	(460116)
89	04/17/2006	(468855)
90	04/17/2006	(468856)
91	04/20/2006	(462472)
92	04/21/2006	(454595)
93	04/28/2006	(457444)
94	05/08/2006	(464383)
95	05/08/2006	(464623)
96	05/08/2006	(464642)
97	05/08/2006	(464770)
98	05/09/2006	(456731)
99	05/10/2006	(463574)
100	05/12/2006	(465545)
101	05/16/2006	(465894)
102	05/18/2006	(498484)
103	05/19/2006	(462792)
104	05/19/2006	(462793)
105	05/25/2006	(464223)
106	06/19/2006	(481723)
107	06/21/2006	(498485)
108	06/27/2006	(479895)
109	06/27/2006	(483624)
110	07/12/2006	(483737)
111	07/12/2006	(484356)
112	07/20/2006	(486350)
113	07/20/2006	(486367)
114	08/14/2006	(484324)
115	08/21/2006	(520485)
116	08/24/2006	(510032)
117	08/31/2006	(509144)
118	09/01/2006	(486203)
119	09/01/2006	(486347)
120	09/01/2006	(489452)
121	09/01/2006	(489607)
122	09/08/2006	(490204)
123	09/15/2006	(510723)
124	09/22/2006	(520486)
125	10/23/2006	(544844)
126	11/14/2006	(517775)

127 11/20/2006 (513396)
128 11/27/2006 (544845)
129 12/11/2006 (516628)
130 12/15/2006 (544846)
131 12/15/2006 (544847)
132 01/08/2007 (397670)
133 01/24/2007 (537748)
134 01/25/2007 (461764)
135 02/09/2007 (453599)
136 02/20/2007 (544843)
137 03/15/2007 (575896)
138 03/26/2007 (540143)
139 03/26/2007 (543487)
140 04/12/2007 (542356)
141 04/12/2007 (542794)
142 04/12/2007 (542797)
143 04/13/2007 (575897)
144 04/25/2007 (555277)
145 05/07/2007 (558822)
146 05/08/2007 (542324)
147 05/16/2007 (575898)
148 06/20/2007 (561427)
149 06/20/2007 (563156)
150 06/20/2007 (575899)
151 06/25/2007 (560674)
152 07/13/2007 (575900)
153 07/13/2007 (575901)
154 08/08/2007 (568683)
155 08/09/2007 (565176)
156 08/09/2007 (568719)
157 08/15/2007 (571713)
158 08/16/2007 (607649)
159 08/22/2007 (573257)
160 08/24/2007 (573035)
161 08/28/2007 (543648)
162 08/28/2007 (566913)
163 08/29/2007 (574047)
164 09/11/2007 (570687)
165 09/20/2007 (607651)
166 09/28/2007 (565185)
167 10/02/2007 (564246)
168 10/17/2007 (595549)
169 10/17/2007 (607650)
170 10/19/2007 (566894)
171 10/26/2007 (574216)
172 11/15/2007 (619732)
173 11/30/2007 (597674)
174 12/10/2007 (571179)
175 12/13/2007 (598001)
176 12/18/2007 (619733)
177 12/20/2007 (599522)
178 01/17/2008 (613024)
179 01/24/2008 (609913)
180 02/20/2008 (617152)
181 02/20/2008 (672234)
182 02/28/2008 (617153)
183 02/28/2008 (617651)
184 02/28/2008 (617654)
185 02/28/2008 (618449)

186	03/17/2008	(672235)
187	03/17/2008	(672237)
188	03/31/2008	(616921)
189	03/31/2008	(616930)
190	04/18/2008	(672236)
191	04/29/2008	(640385)
192	04/29/2008	(640393)
193	04/29/2008	(646551)
194	05/16/2008	(640824)
195	05/16/2008	(654109)
196	05/18/2008	(636986)
197	05/23/2008	(640304)
198	05/23/2008	(653962)
199	05/23/2008	(680194)
200	05/23/2008	(680196)
201	05/27/2008	(641286)
202	05/27/2008	(641334)
203	06/18/2008	(690155)
204	06/18/2008	(690156)
205	06/25/2008	(684122)
206	07/02/2008	(636628)
207	07/07/2008	(614573)
208	07/07/2008	(640873)
209	07/07/2008	(653346)
210	07/17/2008	(690157)
211	08/01/2008	(687321)
212	08/14/2008	(687862)
213	08/20/2008	(681439)
214	08/20/2008	(710947)
215	08/26/2008	(689233)
216	08/26/2008	(689262)
217	08/27/2008	(686679)
218	08/28/2008	(686675)
219	09/11/2008	(700089)
220	09/16/2008	(710949)
221	10/16/2008	(710948)
222	10/29/2008	(686652)
223	10/29/2008	(687160)
224	11/13/2008	(727637)
225	11/20/2008	(707233)
226	11/24/2008	(683986)
227	12/01/2008	(571223)
228	12/04/2008	(708960)
229	12/08/2008	(707643)
230	12/15/2008	(654968)
231	12/16/2008	(750465)
232	01/29/2009	(700296)
233	01/29/2009	(707469)
234	02/12/2009	(653438)
235	02/13/2009	(750461)
236	02/17/2009	(726642)
237	02/25/2009	(726123)
238	03/06/2009	(709964)
239	03/11/2009	(750462)
240	03/13/2009	(703387)
241	03/27/2009	(736871)
242	04/15/2009	(736876)
243	04/17/2009	(750463)
244	04/17/2009	(750464)

245 04/21/2009 (742757)
 246 04/29/2009 (741544)
 247 04/29/2009 (741549)
 248 04/29/2009 (741816)
 249 04/29/2009 (741820)
 250 04/30/2009 (737059)
 251 05/05/2009 (743633)
 252 05/05/2009 (744228)
 253 05/12/2009 (703289)
 254 05/18/2009 (768493)
 255 06/11/2009 (768494)
 256 06/30/2009 (748407)
 257 07/13/2009 (760534)
 258 07/28/2009 (761924)
 259 07/30/2009 (740735)
 260 08/07/2009 (737214)
 261 08/21/2009 (747443)
 262 08/27/2009 (763974)
 263 09/02/2009 (766466)
 264 10/06/2009 (766740)
 265 10/08/2009 (777766)

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

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)

CN600124895

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) CN600124895
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 O-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 O-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) CN600124895

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 (836628) 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: 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 A12(i) (6) 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.

Date: 05/01/2009 (737059) 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 Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02158 SC 1A OP
FOP O-02158 SC 4 OP

NSR 72238A SC7(E) PA
Description: Failed to seal open-ended lines in volatile organic compound (VOC) service.
(FOP O-02158; NSR 40779)

Self Report? NO Classification: Minor
Citation: 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)
FOP O-02158 SC 10 OP
NSR 40799 SC 10 PERMIT

Description: Failed to comply with hourly CO concentration limits. BASF Freeport reported
two incidences. (NSR 40799; FOP 02158)

Self Report? NO Classification: Minor
Citation: 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)
FOP O-02158 SC 10 OP
NSR 40799 SC 19 PERMIT

Description: Failed to operate a continuous CEMS. (NSR 40799; FOP O-02158)

Date: 05/12/2009 (703289) CN600124895

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 60, SubChapter C, PT 60, SubPT Db 60.48b(e)
5C THSC Chapter 382 382.085(b)
SC No. 11 OP
SC No. 18B.(2) PERMIT
Special Condition (SC) No. 1A OP

Description: Failure to calibrate the Cogen CEMS on July 14, 2007. (CATEGORY B19.g(1)
violation)

Date: 07/30/2009 (740735)

Self Report? NO Classification: Moderate
Citation: 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)
TCEQ FOP #O-02158 PERMIT

Description: BASF failed to report a recordable on the revised Semi-annual Deviation report
dated February 19, 2009, the original report submitted was dated December 3,
2008.

Date: 08/07/2009 (737214) CN600124895

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a deviation report within 30 days after the end of their
certification period.

Self Report? NO Classification: Moderate
Citation: 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)
FOP, Special Condition 12 OP
NSR, Special Condition 17 PERMIT

Description: Failure to prevent visible emissions from the stabilizer silo (EPN 4-1-2).

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 THSC Chapter 382 382.085(b)

Description: Failure to report deviations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to timely submit the PCC form.
Self Report? NO Classification: Moderate
Citation: 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)
5C THSC Chapter 382 382.085(b)
FOP Special Condition 12 OP
FOP Special Condition 1A OP
NSR Special Condition 1F PERMIT

Description: Failure to conduct quarterly fugitive monitoring on valves.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 1A OP

Description: Failure to conduct fugitive monitoring on connectors.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 1A OP

Description: Failure to conduct monthly fugitive monitoring on pumps.

Date: 08/21/2009 (747443) CN600124895

Self Report? NO Classification: Minor
Citation: 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)
FOP, Special Condition 8 OP
NSR, Special Condition 8 PERMIT
NSR, Special Condition 7 PERMIT

Description: Failure to operate scrubbers (T-1646, T-2646, T-3646, and T-6600) at or above the liquid flow limits established by the performance test.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition (1)(A) OP
FOP, Special Condition 10 OP

Description: Failure to conduct monthly opacity observations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition (3)(A)(1) OP

Description: Failure to conduct quarterly visible emission observations.

Date: 08/27/2009 (763974)

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 high steam feed during startup mode.

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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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1277-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 October 11, 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 Four Hundred Twenty-Five Dollars (\$6,425) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand One Hundred Forty Dollars (\$5,140) of the administrative penalty and One Thousand Two Hundred Eighty-Five Dollars (\$1,285) 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 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.
10. 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.
11. 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 failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 1733A, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 10, 2009. Specifically, a loose connection on a switchgear wire of a main electrical bus developed a hot spot and burned through the wire, causing power failure of an entire bank of switchgears and shutting down of the Cyclohexanone 2 Facility and R-170 Catalytic Incinerator. This resulted in a release of unauthorized volatile organic compounds ("VOC") of 1,987 pounds from Emission Point Number ("EPN") 11-1-47, 292 pounds from EPN 11-1-D193, and 1,156.16 pounds from EPN 11-1-2, totalling 3,435.16 pounds of VOC for 47 hours 45 minutes beginning on July 12, 2009 (Incident No. 126747). Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).

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. 2009-1277-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures to regularly check for faulty wire connections that address the causes leading to the emissions event that occurred on July 12, 2009; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a. The certification 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 under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification 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:

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

3. 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.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.
8. 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 Sudler
For the Executive Director

Date 3/23/2010

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

Date 01/07/10

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.

