

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1271-AIR-E **TCEQ ID:** RN100223379 **CASE NO.:** 38090
RESPONDENT NAME: BASF Catalysts LLC

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 Catalysts Pasadena Facility, 10001 Chemical Road, Pasadena, Harris 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 December 21, 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: Mr. David Fontaine, Manager of Regulatory Affairs, BASF Catalysts LLC, 10001 Chemical Road, Pasadena, Texas 77507 Mr. John R. Gales, Site Manager, BASF Catalysts LLC, 10001 Chemical Road, Pasadena, Texas 77507 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: April 13, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 7, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to timely report deviations. Specifically, three deviations that should have been reported in the deviation reports dated October 31, 2007 and April 3, 2008 were not reported until July 14, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain and operate a totalizing fuel flow meter for heater HTR-2. Specifically, the fuel flow meter was removed from service on March 30, 2009 and not reinstalled until April 27, 2009 [30 TEX. ADMIN. CODE §§ 117.2035(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. 1473, Special Terms and Condition No. 6A(iii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with the minimum flow rate for the caustic vent scrubber. Specifically, the records showed that the scrubber flow rate for the period of March 1, 2008 through May 1, 2008 was below the required 50 gallons per minute ("gpm") [30 TEX. ADMIN. CODE § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 21140, Special Condition 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to keep continuous records required to demonstrate that the flow</p>	<p>Total Assessed: \$4,365</p> <p>Total Deferred: \$873 <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: \$3,492</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 July 14, 2009, a revised deviation report containing the missed deviations was sent to the agency;</p> <p>b. On April 27, 2009, the totalizing fuel flow meter was returned back to service;</p> <p>c. On May 18, 2009, the minimum flow rate for the caustic scrubber was set at the permitted limit of 50 gpm;</p> <p>d. On August 14, 2009, a procedure was implemented to ensure that the continuous flow monitor and BTU analyzer are operated as required, and the records to demonstrate their operation are being kept; and</p> <p>e. On April 15, 2009, the vent emissions from the CPX-1 truck loading area were connected to the flare.</p>

<p>monitor and British Thermal Unit ("BTU") analyzer were in operation at least 95 percent of the time when the Lynx 900 Catalyst Unit flare was in use. Specifically, the Respondent was unable to provide records for November 20, 2007 [30 TEX. ADMIN. CODE § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 19344, Special Condition 2D, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to correctly install the CPX-1 truck loading/unloading vent line to the flare Emissions Point Number No. 1 by December 31, 2007. Specifically, the Respondent had not connected the required truck vent loading component to the flare [30 TEX. ADMIN. CODE § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 19344, Special Condition 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): HG0052U



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	13-Jul-2009			
	PCW	13-Aug-2009	Screening	24-Jul-2009	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Catalysts LLC
Reg. Ent. Ref. No.	RN100223379
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38090	No. of Violations	5
Docket No.	2009-1271-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	\$4,800
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	15.0% Enhancement	Subtotals 2, 3, & 7 \$720
Notes	Penalty enhancement due to three same or similar NOV's.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,155
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$323	
Approx. Cost of Compliance	\$5,500	*Capped at the Total EB \$ Amount
SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,365
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$4,365
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$4,365
DEFERRAL	20.0% Reduction	Adjustment -\$873
Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$3,492

Screening Date: 24-Jul-2009

Docket No.: 2009-1271-AIR-E

PCW

Respondent: BASF Catalysts LLC

Policy Revision 2 (September 2002)

Case ID No.: 38090

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100223379

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 (number of NOVs meeting criteria)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

>> **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 same or similar NOV's.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 24-Jul-2009	Docket No. 2009-1271-AIR-E	PCW														
Respondent BASF Catalysts LLC	<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 38090	<i>PCW Revision October 30, 2008</i>															
Reg. Ent. Reference No. RN100223379																
Media [Statute] Air																
Enf. Coordinator Nadia Hameed																
Violation Number 1																
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), and Tex. Health & Safety Code § 382.085(b)															
Violation Description	Failed to timely report deviations. Specifically, three deviations that should have been reported in the deviation reports dated October 31, 2007 and April 3, 2008 were not reported until July 14, 2009.															
Base Penalty	\$10,000															
>> Environmental, Property and Human Health Matrix																
OR	Release	Harm														
	Major Moderate Minor															
Actual	<input type="text"/>	<input type="text"/>														
Potential	<input type="text"/>	<input type="text"/>														
	Percent	<input type="text" value="0%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/> <input type="text"/> <input type="text"/> <input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>														
Matrix Notes	Less than 30% of the rule requirements were not met.															
Adjustment	\$9,900															
\$100																
Violation Events																
Number of Violation Events	<input type="text" value="2"/>	Number of violation days <input type="text" value="622"/>														
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$200"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="checkbox"/>															
Two single events are recommended for not submitting the information in the two deviation reports.																
Good Faith Efforts to Comply																
	10.0% Reduction	\$20														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>														
N/A	<i>(mark with x)</i>															
Notes	The Respondent completed the corrective actions on July 14, 2009, after the July 7, 2009 NOE date.															
Violation Subtotal	\$180															
Economic Benefit (EB) for this violation																
Statutory Limit Test																
Estimated EB Amount	<input type="text" value="\$43"/>	Violation Final Penalty Total <input type="text" value="\$210"/>														
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$210"/>																

Economic Benefit Worksheet

Respondent: BASF Catalysts LLC
Case ID No.: 38090
Reg. Ent. Reference No.: RN100223379
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	31-Oct-2007	14-Jul-2009	1.70	\$43	n/a	\$43
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 ensuring that all deviations are correctly reported in a timely manner. The date required is based on the due date of the first report. The final date is the date the corrective actions were completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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

\$43

Screening Date 24-Jul-2009	Docket No. 2009-1271-AIR-E	PCW		
Respondent BASF Catalysts LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 38090	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100223379				
Media [Statute] Air				
Enf. Coordinator Nadia Hameed				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 117.2036(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. 1473, Special Terms and Condition No. 6A(ii) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain and operate a totalizing fuel flow meter for heater HTR-2. Specifically, the fuel flow meter was removed from service on March 30, 2009 and not reinstalled until April 27, 2009.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment had the potential to be exposed to insignificant amounts of pollutants which were not likely to exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		<input type="text" value="\$9,000"/>		<input type="text" value="\$1,000"/>
Violation Events				
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="28"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text" value="x"/>		
Violation Base Penalty		<input type="text" value="\$1,000"/>		
One single event is recommended based on the missing data documented during the investigation.				
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction	
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent completed the corrective actions on April 27, 2009, before the July 7, 2009 NOE date.			
Violation Subtotal		<input type="text" value="\$750"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$4"/>	Violation Final Penalty Total	<input type="text" value="\$900"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$900"/>		

Economic Benefit Worksheet

Respondent: BASF Catalysts LLC
Case ID No.: 38090
Reg. Ent. Reference No.: RN100223379
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	\$1,000	30-Mar-2009	27-Apr-2009	0.08	\$4	n/a	\$4
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 cost for ensuring that the totalizing fuel flow meter is maintained and operational at all times the heater is in use. The date required is based on the date the fuel meter was taken out of service. The final date is 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	\$1,000	TOTAL	\$4
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Screening Date 24-Jul-2009 **Docket No.** 2009-1271-AIR-E **PCW**
Respondent BASF Catalysts LLC *Policy Revision 2 (September 2002)*
Case ID No. 38090 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100223379
Media [Statute] Air
Enf. Coordinator Nadia Hameed

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 21140, Special Condition 5A and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the minimum flow rate for the caustic vent scrubber. Specifically, the records showed that the scrubber flow rate for the period of March 1, 2008 through May 1, 2008 was below the required 50 gallons per minute.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment had the potential to be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
Adjustment \$9,000

Violation Events \$1,000

Number of Violation Events: 1 61 Number of violation days
mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended based on the records observed during the investigation.

Good Faith Efforts to Comply 25.0% Reduction \$250

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

Notes The Respondent completed the corrective actions on May 18, 2009, prior to the July 7, 2009 NOE.
Violation Subtotal \$750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$61 **Violation Final Penalty Total** \$900
This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent: BASF Catalysts LLC
Case ID No.: 38090
Reg. Ent. Reference No.: RN100223379
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$1,000	1-Mar-2008	18-May-2009	1.21	\$61	n/a	\$61

Notes for DELAYED costs

Estimated cost for ensuring that the scrubber is operated in accordance with the permitted limits. The date required is based on the date of the documented non-compliance. The final date is 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

\$1,000

TOTAL

\$61

Screening Date 24-Jul-2009 **Docket No.** 2009-1271-AIR-E **PCW**
Respondent BASF Catalysts LLC *Policy Revision 2 (September 2002)*
Case ID No. 38090 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100223379
Media [Statute] Air
Enf. Coordinator Nadia Hameed

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 19344, Special Condition 2D and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to keep continuous records required to demonstrate that the flow monitor and British Thermal Unit ("BTU") analyzer were in operation at least 95 percent of the time when the Lynx 900 Catalyst Unit flare was in use. Specifically, the Respondent was unable to provide records for November 20, 2007.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes Less than 30% of the rule requirements were met.

Adjustment \$9,900

Violation Events \$100

Number of Violation Events: 1 Number of violation days: 1
mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100
 One single event is recommended for the missing record for November 20, 2007 documented during the April 13, 2009 investigation.

Good Faith Efforts to Comply 10.0% Reduction \$10

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

Notes The Respondent completed the corrective actions on August 14, 2009, after the July 7, 2009 NOE date.

Violation Subtotal \$90

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$87 Violation Final Penalty Total: \$105
This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent: BASF Catalysts LLC
Case ID No.: 38090
Reg. Ent. Reference No.: RN100223379
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,000	20-Nov-2007	14-Aug-2009	1.73	\$87	n/a	\$87

Notes for DELAYED costs

Estimated cost for ensuring that the records for the continuous flow monitor and BTU analyzer are maintained as required. The date required is based on the date of the missing record. The final date is the date the corrective actions were completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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

\$1,000

TOTAL

\$87

Screening Date	24-Jul-2009	Docket No.	2009-1271-AIR-E	PCW
Respondent	BASF Catalysts LLC		Policy Revision 2 (September 2002)	
Case ID No.	38090		PCW Revision October 30, 2008	
Reg. Ent. Reference No.	RN100223379			
Media [Statute]	Air			
Enf. Coordinator	Nadia Hameed			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 19344, Special Condition 6 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to correctly install the CPX-1 truck loading/unloading vent line to the flare Emissions Point Number ("EPN") No. 1 by December 31, 2007. Specifically, the Respondent had not connected the required truck vent loading component to the flare.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes: Human health or the environment had the potential to be exposed to significant amounts of pollutants which were not likely to exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 471 Number of violation days

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

Violation Base Penalty: \$2,500

One single event is recommended for the incorrect configuration of the vent line.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes: The Respondent completed the corrective actions on April 15, 2009, prior to the July 7, 2009 NOE date.

Violation Subtotal: \$1,875

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount: \$129 Violation Final Penalty Total: \$2,250

This violation Final Assessed Penalty (adjusted for limits): \$2,250

Economic Benefit Worksheet

Respondent: BASF Catalysts LLC
Case ID No: 38090
Reg. Ent. Reference No: RN100223379
Media: Air
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$2,000	31-Dec-2007	15-Apr-2009	1.29	\$129	n/a	\$129

Notes for DELAYED costs

Estimated cost for connecting the vent line from the CPX-1 truck loading area to the flare. The date required is based on the date it should have been connected. The final date is 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	\$2,000	TOTAL	\$129
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Compliance History Report

Customer/Respondent/Owner-Operator: CN600131460 BASF Catalysts LLC Classification: AVERAGE Rating: 1.13
Regulated Entity: RN100223379 BASF CATALYSTS PASADENA FACILITY Classification: AVERAGE Site Rating: 1.13

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0052U
	AIR OPERATING PERMITS	PERMIT	1473
	AIR NEW SOURCE PERMITS	PERMIT	14659
	AIR NEW SOURCE PERMITS	PERMIT	15158
	AIR NEW SOURCE PERMITS	PERMIT	17624
	AIR NEW SOURCE PERMITS	PERMIT	19344
	AIR NEW SOURCE PERMITS	PERMIT	21140
	AIR NEW SOURCE PERMITS	PERMIT	28569
	AIR NEW SOURCE PERMITS	PERMIT	27874
	AIR NEW SOURCE PERMITS	PERMIT	30552
	AIR NEW SOURCE PERMITS	PERMIT	34118
	AIR NEW SOURCE PERMITS	PERMIT	45084
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0052U
	AIR NEW SOURCE PERMITS	AFS NUM	4820100369
	AIR NEW SOURCE PERMITS	REGISTRATION	73934
	AIR NEW SOURCE PERMITS	REGISTRATION	76623
	AIR NEW SOURCE PERMITS	REGISTRATION	81137
	AIR NEW SOURCE PERMITS	REGISTRATION	86091
	AIR NEW SOURCE PERMITS	REGISTRATION	86129
	AIR NEW SOURCE PERMITS	REGISTRATION	89442
	AIR NEW SOURCE PERMITS	PERMIT	83818
	AIR NEW SOURCE PERMITS	REGISTRATION	87775
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012739
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD077874634
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31081
	WATER LICENSING	LICENSE	1012739
	STORMWATER	PERMIT	TXR05M873

Location: 10001 CHEMICAL RD, PASADENA, TX, 77507

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 24, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 24, 2004 to July 24, 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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/29/2005	(406137)
2	08/29/2005	(406154)
3	08/18/2006	(479912)
4	12/18/2006	(533239)
5	08/24/2007	(573311)
6	11/08/2007	(565540)
7	08/07/2008	(686695)
8	08/13/2008	(639300)
9	07/07/2009	(703274)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/18/2006 (479912) CN600131460
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(II)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Special Condition 1A OP

Description: Failure to report daily flare observations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Special Condition 1A OP

Description: Failure to retain observation records for Flare 940001-CV.

Date: 11/08/2007 (565540) CN600131460
 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 THC Chapter 382, SubChapter D 382.085(b)
 O-01473, General Terms and Conditions OP

Description: Failure to submit the PCC report for the certification period April 4, 2006 through April 3, 2007 within 30 days after the end of the certification period.

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 THC Chapter 382, SubChapter D 382.085(b)
 O-01473, General Terms and Conditions OP

Description: Failure to submit the semi-annual deviation for the period April 4, 2006 through November 4, 2006 within 30 days from the end of the reporting period.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01473, General Terms and Conditions OP

Description: Fail to submit a semi-annual deviation report for at least each six-month period after permit issuance. BASF submitted a semi-annual deviation report dated November 30, 2006 and postmarked December 6, 2006, which covered a period from April 4, 2006 through November 4, 2006. This time period covers a seven-month time period instead of the required six month time period.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01473, General Terms and Conditions OP

Description: Failure to retain flare observation records from April 6, 2006 through November 4, 2006.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01473, Special Terms and Cond. 1(A) OP

Description: Failure to record at least 98 percent of required flare observations during the reporting period from November 4, 2006 through April 4, 2007. BASF reported 16 deviations of failure to record required flare observations during the reporting period from November 4, 2006 through April 4, 2007. Mr. Fontaine stated that some of the pages in the log book did not indicate if the flare was observed or smoking.

Date: 07/07/2009 (703274) **CN600131460**

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Terms and Condition 1A PERMIT

Description: Failure to record daily flare observations.

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF CATALYSTS LLC
RN100223379**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1271-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 Catalysts LLC ("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 10001 Chemical Road in Pasadena, Harris 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 July 12, 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 Four Thousand Three Hundred Sixty-Five Dollars (\$4,365) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Four Hundred Ninety-Two Dollars (\$3,492) of the administrative penalty and Eight Hundred Seventy-Three Dollars (\$873) 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 July 14, 2009, a revised deviation report containing the missed deviations was sent to the agency;
 - b. On April 27, 2009, the totalizing fuel flow meter was returned back to service;
 - c. On May 18, 2009, the minimum flow rate for the caustic scrubber was set at the permitted limit of 50 gallons per minute ("gpm");
 - d. On August 14, 2009, a procedure was implemented to ensure that the continuous flow monitor and British Thermal Unit ("BTU") analyzer are operated as required, and the records to demonstrate their operation are being kept; and
 - e. On April 15, 2009, the vent emissions from the CPX-1 truck loading area were connected to the flare.
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 timely report deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an

investigation conducted on April 13, 2009. Specifically, three deviations that should have been reported in the deviation reports dated October 31, 2007 and April 3, 2008 were not reported until July 14, 2009.

2. Failed to maintain and operate a totalizing fuel flow meter for heater HTR-2, in violation of 30 TEX. ADMIN. CODE §§ 117.2035(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. 1473, Special Terms and Condition No. 6A(iii) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 13, 2009. Specifically, the fuel flow meter was removed from service on March 30, 2009 and not reinstalled until April 27, 2009.
3. Failed to comply with the minimum flow rate for the caustic vent scrubber, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 21140, Special Condition 5A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 13, 2009. Specifically, the records showed that the scrubber flow rate for the period of March 1, 2008 through May 1, 2008 was below the required 50 gpm.
4. Failed to keep continuous records required to demonstrate that the flow monitor and BTU analyzer were in operation at least 95 percent of the time when the Lynx 900 Catalyst Unit flare was in use, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 19344, Special Condition 2D and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on April 13, 2009. Specifically, the Respondent was unable to provide records for November 20, 2007.
5. Failed to correctly install the CPX-1 truck loading/unloading vent line to the flare Emissions Point Number ("EPN") No. 1 by December 31, 2007, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP Permit No. 1473, Special Condition No. 8, Air Permit No. 19344, Special Condition 6 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 13, 2009. Specifically, the Respondent had not connected the required truck vent loading component to the flare.

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 Catalysts LLC, Docket No. 2009-1271-AIR-E" to:

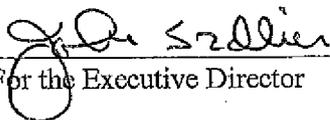
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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



For the Executive Director

Date 9/11/2010

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.



Signature

Date 9/23/09

John R. Gates

Name (Printed or typed)
Authorized Representative of
BASF Catalysts LLC

Site 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.

