

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1726-AIR-E **TCEQ ID:** RN100225689 **CASE NO.:** 40582
RESPONDENT NAME: BASF Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: BASF Pasadena, 4403 La Porte Highway 225, 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 March 14, 2011. 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. Rod Cook, Environmental Manager, BASF Corporation, P.O. Box 600, Pasadena, Texas 77501-0600 Dr. Klaus Diehl, Site Director, BASF Corporation, P.O. Box 600, Pasadena, Texas 77501-0600 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 23, 2010</p> <p>Date of NOV/NOE Relating to this Case: October 8, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, 1,517 pounds of butene, a highly reactive volatile organic compound, were released when the Respondent's contractors hit a pipeline for the 2-Propylheptanol Unit, resulting in an emissions event (Incident No. 140005) which began on May 20, 2010, and lasted for five hours and 47 minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 8199A, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$4,100</p> <p>Total Deferred: \$820 <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: \$3,280</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</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 in order to prevent recurrence of emissions events due to the same cause as Incident No. 140005:</p> <p>a. On June 24, 2010, completed revision of the Safe Work Permitting Procedure; and</p> <p>b. On July 2, 2010, completed revision of the Excavation Procedure.</p>

Additional ID No(s): HG1249P



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Oct-2010	Screening	14-Oct-2010	EPA Due	
	PCW	21-Oct-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	BASF Corporation				
Reg. Ent. Ref. No.	RN100225689				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	40582	No. of Violations	1
Docket No.	2010-1726-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**

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: Enhancement for three orders with denial of liability, five same/similar NOV's and two dissimilar NOV's.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 14-Oct-2010

Docket No. 2010-1726-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 40582

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225689

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 89%

>> 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

Enhancement for three orders with denial of liability, five same/similar NOVs and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 89%

Screening Date 14-Oct-2010

Docket No. 2010-1726-AIR-E

PCW

Respondent BASF Corporation

Policy Revision 2 (September 2002)

Case ID No. 40582

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225689

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 8199A, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 1,517 pounds of butene, a highly reactive volatile organic compound, were released when the Respondent's contractors hit a pipeline for the 2-Propylheptanol Unit, resulting in an emissions event (Incident No. 140005) which began on May 20, 2010, and lasted for five hours and 47 minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

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 July 2, 2010 prior to the October 8, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$4,100

This violation Final Assessed Penalty (adjusted for limits) \$4,100

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 40582
Req. Ent. Reference No. RN100225689
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-May-2010	2-Jul-2010	0.12	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost of revising the Safe Work Permitting procedure (revised June 24, 2010) and Excavation procedure (revised on July 2, 2010). The date required is based on the start date of the violation. 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

\$500

TOTAL

\$3

Compliance History Report

Customer/Respondent/Owner-Operator: CN600124895 BASF Corporation Classification: AVERAG Rating: 2.58
 Regulated Entity: RN100225689 BASF PASADENA Classification: AVERAGE Site Rating: 8.38

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG1249P
	AIR OPERATING PERMITS	PERMIT	1331
	AIR NEW SOURCE PERMITS	REGISTRATION	92283
	AIR NEW SOURCE PERMITS	PERMIT	8084A
	AIR NEW SOURCE PERMITS	PERMIT	8199A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG1249P
	AIR NEW SOURCE PERMITS	AFS NUM	4820100422
	AIR NEW SOURCE PERMITS	REGISTRATION	81141
	AIR NEW SOURCE PERMITS	REGISTRATION	81952
	AIR NEW SOURCE PERMITS	REGISTRATION	86601
	AIR NEW SOURCE PERMITS	REGISTRATION	84114
	AIR NEW SOURCE PERMITS	PERMIT	83808
	AIR NEW SOURCE PERMITS	REGISTRATION	87081
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011974
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD980808778
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	33849
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50385
	WATER LICENSING	LICENSE	1011974
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG1249P

Location: 4403 LAPORTE HWY 225, PASADENA, TX, 77501

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 15, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 15, 2005 to October 15, 2010

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 09/21/2007 ADMINORDER 2006-1681-MLM-E

Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(ii)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(ii)
Rqmt Prov: Permit Provision V.I.3.b.1 PERMIT
Permit Provision V.I.3.b.2 PERMIT
Description: Facility exceeded permit operating parameter for carbon monoxide when burning hazardous waste on April 15, 2006.
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
Rqmt Prov: Permit Provision III.D. PERMIT
Description: Failure to document corrective actions on boiler inspection logs.
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Rqmt Prov: Permit Provision II.C.1.i. PERMIT
Description: Failure to update the facility's Notice of Registration for waste streams and waste management units.

Effective Date: 09/21/2009 ADMINORDER 2009-0525-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT III 60.612(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: S.C. 1 PERMIT
Description: Failed to comply with the permitted emissions rates at Scrubber Outlet Stack No. 2 (EPN 112) for NOx, CO, and VOC. Specifically, during a stack test conducted on December 13, 2007, NOx emissions were 0.09 lb/hr, whereas the permitted limit was 0.01 lb/hr. CO emissions were 79.93 lb/hr and 700.19 ppm at 3% oxygen, whereas the permitted limits are 22.8 lb/hr and 400 ppm, respectively. VOC emissions were 31.61 lb/hr and 174.7 ppm, whereas the permitted limits were 9.04 lb/hr and 20 ppm, respecti

Effective Date: 02/22/2010 ADMINORDER 2009-1386-AIR-E

Classification: Moderate
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)
Rqmt Prov: Special Condition 11A PERMIT
Special Term and Condition 14 OP
Description: Failure to maintain the minimum net heating value on the flare. (CATEGORY B18 VIOLATION)
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)
Rqmt Prov: Special Condition 10 PERMIT
Special Term and Condition 14 OP
Description: Failure to stay below the maximum NOx levels on boiler F8. (CATEGORY B18 VIOLATION)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764
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)
Rqmt Prov: Special Condition 12 PERMIT
Special Term and Condition 14 OP
Description: Failure to take readings from the HRVOC analyzer at cooling tower CTWR-1. (CATEGORY B18 VIOLATION)

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	06/15/2008	(434901)
2	02/23/2006	(450166)
3	02/21/2006	(454606)
4	02/25/2006	(457007)
5	02/28/2006	(457029)
6	03/09/2006	(457664)
7	05/05/2006	(461812)
8	05/17/2006	(465062)
9	05/26/2006	(467437)
10	05/26/2006	(467498)
11	06/12/2006	(482145)
12	08/07/2006	(482237)
13	10/16/2006	(515183)
14	12/07/2006	(533242)
15	07/11/2007	(537471)
16	08/28/2007	(543581)
17	07/30/2007	(566647)
18	07/30/2007	(566648)
19	08/22/2007	(566649)
20	08/09/2007	(566650)
21	09/20/2007	(593444)
22	12/11/2007	(610571)
23	03/03/2008	(611378)
24	05/07/2008	(636631)
25	03/21/2008	(638596)
26	05/19/2008	(653218)

27 06/05/2008 (654468)
 28 02/06/2009 (671608)
 29 03/16/2009 (682025)
 30 08/29/2008 (688534)
 31 03/05/2009 (727059)
 32 08/17/2009 (747037)
 33 08/13/2009 (749540)
 34 07/31/2009 (761134)
 35 11/23/2009 (778109)
 36 07/28/2010 (794244)
 37 08/26/2010 (829862)
 38 10/08/2010 (848890)

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

Date: 05/06/2006 (461812) **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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 8199A, SC 1 PERMIT
 O-01331, STC 13 OP
Description: Failure to maintain the emissions from marine loading (EPN: MVLOADING) within maximum allowable emission rates as permitted in the NSR permit 8199A.

Date: 08/09/2007 (566650) **CN600124895**
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(ii)
 PROVISION V.I.3.b.(1) PERMIT
Description: Operating records indicated that waste PA residues were burned in the boiler while CO levels were above the permit operating limit of 100 ppmv.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)
 PROVISION V.I.7.a. PERMIT
Description: Failure to record feed rate data for PA residues and CO data.

Date: 08/22/2007 (566649) **CN600124895**
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
 PROVISION II.C.1.i. PERMIT
Description: Failure to submit a correct AWS in 2005 and 2006.

Date: 05/08/2008 (636631) **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)
 5C THSC Chapter 382 382.085(b)
 8084A, SC 10E PERMIT
 O-01331, SC 14 OP

Description: Failure to plug/cap all open ended lines.
Self Report? NO Classification: Moderate
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)
8199A, SC 11A PERMIT
O-01331, SC 14 OP

Description: Failure to maintain the required net heating values on the flares.
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)
8199A, SC 10 PERMIT
O-01331, SC 14 OP

Description: Failure to maintain boiler NOx emissions hourly average rate within the permitted limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
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)
8199A, SC 12 PERMIT
O-01331, SC 14 OP

Description: Failure to take readings from the Cooling Tower HRVOC analyzer.

Date: 08/18/2009 (747037) CN600124895

Self Report? NO Classification: Moderate
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)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 14 OP

Description: Failure to maintain a continuous pilot flame on the flare. (CATEGORY C4 VIOLATION)

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)
Special Condition 1 PERMIT
Special Term and Condition 14 OP

Description: Failure to stay below MAERT limits. (CATEGORY B13 VIOLATION)

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)
Special Condition 7G PERMIT
Special Term and Condition 14 OP

Description: Failure to keep the pH of the scrubber above the minimum value. (CATEGORY B18 VIOLATION)

Date: 07/30/2010 (794244) 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 A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
SC 11B PERMIT
ST&C 14 OP
ST&C 1A OP

Description: Failure to keep the flare (FL-1) pilot flame lit at all times. [Category C4]

Self Report? NO Classification: Moderate

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 11A PERMIT
ST&C 14 OP
ST&C 1A OP

Description: Failure to maintain the minimum heating value of 300 BTU on the flare. [Category B18]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
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)
SC 12 PERMIT
ST&C 14 OP
ST&C 1A OP

Description: Failure to collect data from the Cooling Tower (EPN CTWR-1) HRVOC analyzer. [Category B18]

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)
SC 10 PERMIT
ST&C 14 OP
ST&C 1A OP

Description: Failure to maintain boiler (EPN F-8) NOx emissions hourly average rate within the permitted limit. [Category B18]

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)
SC 1 PERMIT
ST&C 14 OP
ST&C 1A OP

Description: Failure to maintain HRVOC emissions in the cooling tower (EPN CTWR-1) within MAERT permitted limits. [Category B13]

Date: 08/26/2010 (829862) CN600124895

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)
Permit Provision II.B.2 PERMIT

Description: Failure to maintain an up to date operating log.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)
Permit Provision V.I.7.c PERMIT

Description: Failure to ensure that exceedances in span value for the CEMS monitors are corrected in a timely manner and retested. Also a failure to conducted a fourth quarter calibration error test.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iv)
Permit Provision V.I.7.d PERMIT

Description: Failure to test AWFCO once every seven days when burning hazardous waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15
Permit Provision III.D PERMIT

Description: Failure to adequately document inspections for emergency equipment and security devices.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter R 335.513(c)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
Permit Provision II.C.2.a PERMIT

Description: Failure to provide hazardous waste determination documentation for waste stream 0125219H.

- 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 CORPORATION
RN100225689**

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

**AGREED ORDER
DOCKET NO. 2010-1726-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 4403 La Porte Highway 225 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 October 13, 2010.
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 One Hundred Dollars (\$4,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Eighty Dollars (\$3,280) of the administrative penalty and Eight Hundred Twenty Dollars (\$820) 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 in order to prevent recurrence of emissions events due to the same cause as Incident No. 140005:
 - a. On June 24, 2010, completed revision of the Safe Work Permitting Procedure; and
 - b. On July 2, 2010, completed revision of the Excavation Procedure.
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 failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 8199A, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 23, 2010. Specifically, 1,517 pounds of butene, a highly reactive volatile organic compound, were released when the Respondent's contractors hit a pipeline for the 2-Propylheptanol Unit, resulting in an emissions event (Incident No. 140005) which began on May 20, 2010, and lasted for five hours and 47 minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2010-1726-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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolter
For the Executive Director

2/14/2011
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Thomas Siebel
Signature

12/16/10
Date

Dr. Klaus Diehl
Name (Printed or typed)
Authorized Representative of
BASF Corporation

Site Director
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.