

**Executive Summary – Enforcement Matter – Case No. 47730**  
**BASF TOTAL Petrochemicals LLC**  
**RN100216977**  
**Docket No. 2013-1835-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

BASF TOTAL FINA NAFTA Region Olefins Complex, located at Gate 99 on Farm-to-Market Road 366, at the intersection of Farm-to-Market Road 366 and State Highway 73, Port Arthur, Jefferson County

**Type of Operation:**

Petrochemical plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2014-0303-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 9, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$345,938

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$172,969

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$172,969

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Attachment A)

Southeast Texas Regional Planning Commission (Attachment B)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

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**RN100216977**  
**Docket No. 2013-1835-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 29, 2013 through August 1, 2013

**Date(s) of NOE(s):** August 30, 2013

***Violation Information***

1. Failed to comply with the maximum allowable emissions rate ("MAER") of 17.65 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx") for Cogeneration Unit 2, Emission Point Number ("EPN") N-20B [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 36644, PSDTX903M5, and N007M1, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O2551, Special Terms and Conditions ("STC") No. 24].
2. Failed to comply with the MAER of 13.60 lbs/hr of NOx for Boiler B-7240, EPN N-14 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, and FOP No. O2551, STC No. 24].
3. Failed to comply with the MAER for the Flare System, EPNs N-15 and N-15A [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, and FOP No. O2551, STC No. 24].
4. Failed to maintain the minimum net heating value for the Shielded Flare, EPN N-15A, and the Ground Flare, EPN N-15 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 14, and FOP No. O2551, STC No. 24].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By January 31, 2013, instructed personnel to minimize the use of the low pressure fuel gas by increasing the firing of fuel gas from the high pressure fuel gas drum to prevent a recurrence of NOx exceedances due to the same cause as the October 14, 2012 exceedance;
- b. By May 31, 2013, replaced and tuned the thermocouples that caused the Cogeneration Unit 2 to change firing modes and exceed its NOx MAER to prevent a recurrence of NOx

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exceedances due to the same cause as the April 13, 2012 and September 12, 2012 exceedances;

c. By July 26, 2013, repaired or replaced equipment and implemented measures to reduce emissions from the Flare System to assist in returning to compliance with the volatile organic compounds ("VOC"), carbon monoxide ("CO"), and NO<sub>x</sub> combined MAER based on the rolling 12-month period; and

d. By August 1, 2013, instructed operations personnel to communicate flare status to all working groups and to manually add methane to the Ground Flare when necessary to maintain compliance with the minimum net heating value. Additionally, the Respondent revised the Distributive Control System control scheme to automatically add methane to the Shielded Flare when necessary.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete two Supplemental Environmental Projects ("SEPs"). (See SEP Attachments A and B)
2. The Order will also require the Respondent to, within 180 days, certify compliance with the annual emissions rate based on a 12-month rolling period for VOC, CO, and NO<sub>x</sub> combined from the Flare System (EPNs N-15 and N-15A).

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Rachel Bekowies, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Gregory Masica, Vice President and Site Manager, BASF TOTAL Petrochemicals LLC, P.O. Box 2506, Port Arthur, Texas 77643  
**Respondent's Attorney:** N/A



## Attachment A

Docket Number: 2013-1835-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>BASF TOTAL Petrochemicals LLC</b>
<b>Penalty Amount:</b>	<b>One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969)</b>
<b>SEP Offset Amount:</b>	<b>Eighty-Six Thousand Four Hundred Eighty-Four Dollars (\$86,484)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Clean Buses Project</i></b>
<b>Location of SEP:</b>	<b>Jefferson County; Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

##### a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the “Project”). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that

BASF TOTAL Petrochemicals LLC  
Agreed Order - Attachment A

is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Ken Awtrey, Executive Director  
P.O. Box 635067  
Nacogdoches, Texas 75963-5067

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. **Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



**Attachment B**  
**Docket Number: 2013-1835-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>BASF TOTAL Petrochemicals LLC</b>
<b>Penalty Amount:</b>	<b>One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969)</b>
<b>SEP Offset Amount:</b>	<b>Eighty-Six Thousand Four Hundred Eighty-Five Dollars (\$86,485)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely

and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Sep-2013	Screening	23-Sep-2013	EPA Due	27-May-2014
	PCW	25-Feb-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	BASF TOTAL Petrochemicals LLC
Reg. Ent. Ref. No.	RN100216977
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

<b>CASE INFORMATION</b>		No. of Violations	4
Enf./Case ID No.	47730	Order Type	Findings
Docket No.	2013-1835-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Rachel Bekowies
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$176,250</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$176,250</b>

Notes: Enhancement for two NOVs with same/similar violations, 13 agreed orders with denial of liability, and two agreed orders without denial of liability. Reduction for one Notice of Intent to conduct an audit.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$6,562</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$12,799	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$218,496		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$345,938</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	<b>\$345,938</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$345,938</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$345,938</b>
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Screening Date 23-Sep-2013

Docket No. 2013-1835-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 3 (September 2011)

Case ID No. 47730

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

### 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> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	13	260%
	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	2	50%
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> )	1	-1%
	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) 319%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, 13 agreed orders with denial of liability, and two agreed orders without denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 319%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 23-Sep-2013

Docket No. 2013-1835-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 3 (September 2011)

Case ID No. 47730

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit Nos. 36644, PSDTX903M5, and N007M1, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O2551, Special Terms and Conditions ("STC") No. 24

Violation Description Failed to comply with the maximum allowable emissions rate ("MAER") of 17.65 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx") for Cogeneration Unit 2, Emission Point Number ("EPN") N-20B. Specifically, from 6:00 a.m. to 6:59 a.m. on April 13, 2012 and from 8:00 a.m. to 8:59 a.m. on September 12, 2012, Cogeneration Unit 2 emitted 28.45 lbs and 36.01 lbs of NOx, respectively, resulting in a total of 29.16 lbs of unauthorized NOx emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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 \$21,250

\$3,750

Violation Events

Number of Violation Events 2 Number of violation days 2

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'x' is marked in the 'single event' row.

Violation Base Penalty \$7,500

Two single events are recommended for the exceedances on April 13, 2012 and September 12, 2012.

Good Faith Efforts to Comply

25.0% Reduction \$1,875

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (marked with x). Columns: Before NOV, NOV to EDPRP/Settlement Offer.

Notes The Respondent completed corrective actions by May 31, 2013, prior to the August 30, 2013 Notice of Enforcement ("NOE").

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$970

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

# Economic Benefit Worksheet

**Respondent** BASF TOTAL Petrochemicals LLC

**Case ID No.** 47730

**Reg. Ent. Reference No.** RN100216977

**Media** Air

**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$12,246	13-Apr-2012	31-May-2013	1.13	\$46	\$924	\$970
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to replace and tune the thermocouples that caused the Cogeneration Unit 2 to change firing modes and exceed its NOx MAER. The Date Required is the date of the first NOx exceedance. The Final Date is the date of 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

\$12,246

**TOTAL**

\$970

Screening Date 23-Sep-2013

Docket No. 2013-1835-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 3 (September 2011)

Case ID No. 47730

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, and FOP No. O2551, STC No. 24

Violation Description

Failed to comply with the MAER of 13.60 lbs/hr of NOx for Boiler B-7240, EPN N-14. Specifically, from 4:00 a.m. to 4:59 a.m. on October 14, 2012, Boiler B-7240 emitted 17.16 lbs of NOx, resulting in 3.56 lbs of unauthorized NOx emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$3,750

One single event is recommended for the exceedance on October 14, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective actions by January 31, 2013, prior to the August 30, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

# Economic Benefit Worksheet

**Respondent** BASF TOTAL Petrochemicals LLC

**Case ID No.** 47730

**Reg. Ent. Reference No.** RN100216977

**Media** Air

**Violation No.** 2

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**

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	14-Oct-2012	31-Jan-2013	0.30	\$30	n/a	\$30

**Notes for DELAYED costs**

Estimated cost to instruct personnel to minimize the use of the low pressure fuel gas by increasing the firing of fuel gas from the high pressure fuel gas drum, which is not impacted by the regeneration gas, to prevent a recurrence of NOx exceedances due to the same cause as the October 14, 2012 exceedance. The Date Required is the date of the NOx exceedance. The Final Date is the date of 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

\$2,000

**TOTAL**

\$30

Screening Date 23-Sep-2013

Docket No. 2013-1835-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 3 (September 2011)

Case ID No. 47730

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, and FOP No. O2551, STC No. 24

Violation Description Failed to comply with the MAER for the Flare System, EPNs N-15 and N-15A. Specifically, the Respondent exceeded the volatile organic compounds ("VOC"), carbon monoxide ("CO"), and NOx combined MAER of 359.7 tons per year based on a rolling 12-month period from March 2012 through February 2013, resulting in an unauthorized release of 408.3 tons of VOC, CO, and NOx combined.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (100.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 6 151 Number of violation days

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$150,000

Six monthly events are recommended based on the period of non-compliance from September 30, 2012 through February 28, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x), (mark with x).

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

Violation Subtotal \$150,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,665

Violation Final Penalty Total \$300,000

This violation Final Assessed Penalty (adjusted for limits) \$300,000

# Economic Benefit Worksheet

**Respondent** BASF TOTAL Petrochemicals LLC

**Case ID No.** 47730

**Reg. Ent. Reference No.** RN100216977

**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	\$100,000	30-Sep-2012	26-Jul-2013	0.82	\$273	\$5,461	\$5,734
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100,000	30-Sep-2012	26-Jul-2013	0.82	\$273	\$5,461	\$5,734
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)	\$2,250	30-Sep-2012	30-Jun-2014	1.75	\$197	n/a	\$197

Notes for DELAYED costs

Estimated costs to repair or replace equipment, implement measures to reduce emissions to assist in returning to compliance with the MAER, and to certify compliance with the VOC, CO, and NOx combined MAER for the Flare System. The Date Required is the first date of non-compliance. The July 26, 2013 Final Date is the date that equipment repairs or replacements were completed by and the date that measures to help reduce emissions were implemented by. The June 30, 2014 Final Date is the estimated date of 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

\$202,250

**TOTAL**

\$11,665

Screening Date 23-Sep-2013

Docket No. 2013-1835-AIR-E

PCW

Respondent BASF TOTAL Petrochemicals LLC

Policy Revision 3 (September 2011)

Case ID No. 47730

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 14, and FOP No. O2551, STC No. 24

Violation Description

Failed to maintain the minimum net heating value for the Shielded Flare, EPN N-15A, and the Ground Flare, EPN N-15. Specifically, the minimum net heating value for the Flare System was not maintained for a total of 181.25 hours during the period of March 30, 2012 through January 23, 2013. The minimum net heating value for the Shielded Flare is 300 British thermal units per standard cubic foot ("Btu/scf") and the minimum net heating value for the Ground Flare is 635 Btu/scf when waste gas has a hydrogen content of eight percent volume and 825 Btu/scf when waste gas has a hydrogen content of less than eight percent volume. The lowest net heating values were 183.04 Btu/scf for the Shielded Flare and 191.72 Btu/scf for the Ground Flare.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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 \$21,250

\$3,750

Violation Events

Number of Violation Events 4 35 Number of violation days

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

Violation Base Penalty \$15,000

Four quarterly events are recommended for the days of non-compliance within the period of March 30, 2012 through January 23, 2013.

Good Faith Efforts to Comply

25.0% Reduction \$3,750

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

Notes The Respondent completed corrective action by August 1, 2013, prior to the August 30, 2013 NOE.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$134

Violation Final Penalty Total \$26,250

This violation Final Assessed Penalty (adjusted for limits) \$26,250

# Economic Benefit Worksheet

**Respondent** BASF TOTAL Petrochemicals LLC

**Case ID No.** 47730

**Reg. Ent. Reference No.** RN100216977

**Media** Air

**Violation No.** 4

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)	\$2,000	30-Mar-2012	1-Aug-2013	1.34	\$134	n/a	\$134

Notes for DELAYED costs

Estimated cost to instruct operations personnel to communicate flare status to all working groups and to manually add methane to the Ground Flare when necessary, and to revise the Distributive Control System control scheme to automatically add methane to the Shielded Flare when necessary to maintain compliance with the minimum net heating value. The Date Required is the first date of non-compliance. The Final Date is the date of 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

\$2,000

**TOTAL**

\$134

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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN604166967, RN100216977, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604166967, BASF TOTAL Petrochemicals LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	23.47
<b>Regulated Entity:</b>	RN100216977, BASF TOTAL FINA NAFTA REGION OLEFINS COMPLEX	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	23.47
<b>Complexity Points:</b>	29	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	GATE 99 ON FARM-TO-MARKET ROAD 366, AT THE INTERSECTION OF FARM-TO-MARKET ROAD 366 & STATE HIGHWAY 73, PORT ARTHUR, TEXAS, JEFFERSON COUNTY				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0843F  
**AIR OPERATING PERMITS** PERMIT 2629  
**AIR OPERATING PERMITS** PERMIT 2965  
**POLLUTION PREVENTION PLANNING** ID NUMBER P06698

**AIR OPERATING PERMITS** PERMIT 2551  
**AIR OPERATING PERMITS** PERMIT 2629  
**AIR OPERATING PERMITS** PERMIT 3015  
**WASTEWATER** PERMIT WQ0004135000

**WASTEWATER** EPA ID TX0119369

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000039909

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 86596

**AIR NEW SOURCE PERMITS** AFS NUM 4824500182

**AIR NEW SOURCE PERMITS** PERMIT 36644

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0843F

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX950

**AIR NEW SOURCE PERMITS** PERMIT 41945

**AIR NEW SOURCE PERMITS** EPA PERMIT N007

**AIR NEW SOURCE PERMITS** EPA PERMIT N018

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903

**AIR NEW SOURCE PERMITS** EPA PERMIT N007M1

**AIR NEW SOURCE PERMITS** REGISTRATION 76480

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M2

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M1

**AIR NEW SOURCE PERMITS** REGISTRATION 79052

**AIR NEW SOURCE PERMITS** REGISTRATION 82105

**AIR NEW SOURCE PERMITS** REGISTRATION 81912

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M3

**AIR NEW SOURCE PERMITS** REGISTRATION 84227

**AIR NEW SOURCE PERMITS** EPA PERMIT N018M1

**AIR NEW SOURCE PERMITS** REGISTRATION 109112

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M4

**AIR NEW SOURCE PERMITS** EPA PERMIT N018M2

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX903M5

**AIR NEW SOURCE PERMITS** REGISTRATION 95473

**AIR NEW SOURCE PERMITS** REGISTRATION 96596

**AIR NEW SOURCE PERMITS** REGISTRATION 101222

**AIR NEW SOURCE PERMITS** REGISTRATION 97023

**AIR NEW SOURCE PERMITS** REGISTRATION 97972

**AIR NEW SOURCE PERMITS** REGISTRATION 100466

**AIR NEW SOURCE PERMITS** REGISTRATION 100060

**AIR NEW SOURCE PERMITS** REGISTRATION 100331

**AIR NEW SOURCE PERMITS** REGISTRATION 101918

**AIR NEW SOURCE PERMITS** REGISTRATION 103757

**AIR NEW SOURCE PERMITS** REGISTRATION 103760

**AIR NEW SOURCE PERMITS** REGISTRATION 107198

**AIR NEW SOURCE PERMITS** REGISTRATION 107854

**AIR NEW SOURCE PERMITS** REGISTRATION 110943

**AIR NEW SOURCE PERMITS** REGISTRATION 113825

**AIR NEW SOURCE PERMITS** REGISTRATION 109680

**AIR NEW SOURCE PERMITS** REGISTRATION 109102

**AIR NEW SOURCE PERMITS** REGISTRATION 114757

**AIR NEW SOURCE PERMITS** REGISTRATION 107230

**AIR NEW SOURCE PERMITS** REGISTRATION 111865

**AIR NEW SOURCE PERMITS** REGISTRATION 113001

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0843F

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** November 22, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 22, 2008 to November 22, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Rachel Bekowies

**Phone:** (512) 239-2608

## **Site and Owner/Operator History:**

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 12/20/2008 ADMINORDER 2006-1578-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)
- Rqmt Prov: 36644, PSD-TX-903, and N-007, SC 1 PERMIT  
Air Operating Permit No. O-01877, GT & C PERMIT
- Description: Failed to prevent unauthorized emissions.
- Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: O-01877 PERMIT
- Description: Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)
- Rqmt Prov: 26644, PSD-TX-903, and N-007, SC 16B PERMIT  
36644 / PSD-TX-903 / N-007 PERMIT  
36644, PSD-TX-903, and N-007, SC 16A PERMIT  
O-01877 PERMIT
- Description: Failed to operate the gas turbine and duct burner (EPN N-20A) in Co-generation Unit 1 within emissions limits of 15.3 lbs/hr and 6 ppm of NOx, 53.9 lbs/hr and 50 ppm of CO, and 7.61 lbs/hr and 7 ppm of NH3.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)
- Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
36644, PSD-TX-903, N-007, SC 16A PERMIT  
36644, PS-TX-903, N-007, SC 16B PERMIT  
O-01877 PERMIT
- Description: Failed to operate the gas turbine and duct burner (EPN N-20B) in Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NOx and 7.61 lbs/hr and 7 ppm of NH3.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT

36644, PSD-TX-903, N-007, SC 21 PERMIT

O-01877 PERMIT

Description: Failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tpy and firing rate limits of 0.06 lbs/MMBtu/hr of NO<sub>x</sub>, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.5

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

Description: Failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower from impairing visibility on adjacent public roads.

2 Effective Date: 12/20/2008 ADMINORDER 2005-1862-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

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

Description: Failed to seal two open-ended valves or lines which resulted in Volatile Organic Compound emissions to the atmosphere.

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 36644, PSD-TX-903 PERMIT

Description: Failed to follow 40 CFR § 60, Appendix A, Method 21 when conducting fugitive emission monitoring.

3 Effective Date: 01/30/2009 ADMINORDER 2008-1021-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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: 41945/PSD-TX-950, Special Condition 1 PERMIT

O-02629 OP

Description: Failed to prevent unauthorized emissions.

4 Effective Date: 02/22/2009 ADMINORDER 2008-1147-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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: 36644/PSD-TX903M1, N-007 PERMIT

O-01877 OP

Description: Failed to maintain an emission rate below the allowable limit for nitrogen oxides ("NO<sub>x</sub>") at the Auxiliary Boiler (B-7240) Emission Point No. N-14, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented in a record review conducted April 7, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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: 36644/PSD-TX-903M1, N-007 PERMIT

O-01877 OP

Description: Failed to maintain an emission rate below the allowable limit for NOx at the Co-generation Unit 1 (GTG-1) Emission Point No. N-20A, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented in a record review conducted April 7, 2008.

5 Effective Date: 08/23/2009 ADMINORDER 2009-0140-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 1, PSD-TX-950, N-018 OP  
Special Condition 8 PERMIT

Description: Failed to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit. Specifically, on March 12, 2008, the NOx MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point Number: BLR).

6 Effective Date: 08/31/2009 ADMINORDER 2009-0316-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 1/PSD-TX-903 PERMIT  
Special Condition 12 PERMIT

Description: Failed to maintain an emission rate below the allowable limit for NOx at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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 1/PSD-TX-903 PERMIT  
Special Condition 12 OP

Description: Failed to maintain an emission rate below the allowable limit for CO at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

7 Effective Date: 10/31/2009 ADMINORDER 2009-0750-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644/PSD-TX-903/N-007 PERMIT  
O-01877 OP

Description: Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx) at the Auxiliary Boiler (B-7240), Emission Point Number N-14.

8 Effective Date: 06/04/2010 ADMINORDER 2009-1852-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644, Special Condition 21 PERMIT

Special Condition No. 1 OP

Special Condition No. 11 OP

Description: Failed to maintain compliance with the hourly nitrogen oxides ("NOx") maximum firing rate of 0.025 pounds per million British thermal units ("lbs/MMBtu") and the NOx emissions limit of 12.19 pounds per hour ("lbs/hr") for Heater H-0900.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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: 36644, Special Condition 30B PERMIT  
O-03015, Special Terms and Conditions OP

Description: Failed to perform continuous emissions monitoring systems cylinder gas audits of Cogeneration Unit Nos. 1 and 2 during the second quarter of 2009.

- 9 Effective Date: 08/09/2010 ADMINORDER 2010-0137-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(a)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to monitor the heat exchange system (cooling tower) properly to detect for leaks of hazardous air pollutants.
- 10 Effective Date: 09/26/2010 ADMINORDER 2010-0393-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644/PSD-TX-903M2, Special Condition 1 PERMIT  
O-02965, General Terms and Conditions OP  
O-02965, Special Condition 6A OP  
Description: Failure to maintain the Carbon Monoxide (CO) and Nitrogen Oxides (NOx) emission rates at Boiler B-7280, Emission Point Number (EPN) N-24A, below the allowable emission limits.
- 11 Effective Date: 04/18/2011 ADMINORDER 2010-1318-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.241  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: O-02551, General Terms and Conditions OP  
Description: Failure to transfer or allow the transfer of gasoline from any stationary storage container into a motor vehicle fuel tank with an approved Stage II vapor recovery system.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644/PSD-TX-903M2, Special Condition 1 PERMIT  
O-02551, General Terms and Conditions OP  
O-02551, Special Condition 11A OP  
Description: Failure to maintain the NOx emission rate at Cogeneration Train Unit 2 (EPN: N-20B) below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644/PSD-TX-903M2, Special Condition 1 PERMIT  
O-02551, General Terms and Conditions OP  
O-02551, Special Condition 11A OP

Description: Failure to maintain the NOx and CO emission rates at Fresh Feed Cracking Furnace H-0900 (EPN: N-9) below the allowable emission limits.

12 Effective Date: 07/31/2011 ADMINORDER 2011-0073-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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: 41945, PSD-TX-950, SC 1 PERMIT  
O-02629 GTC and SC8 OP

Description: Failed to maintain an emission rate below the MAER for VOC from the Low Pressure Flare (Emission Point Number P-6). Specifically, the Respondent exceeded the rolling 12-month MAER of 2.17 tons for VOC from April 2009 through February 2010, resulting in the unauthorized release of 4.03 tons of VOC.

13 Effective Date: 05/25/2012 ADMINORDER 2011-1403-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644/PSD-TX-903M3, SC 1 PERMIT  
Special Conditions No. 1 PERMIT  
Special Terms and Conditions No. 20 OP

Description: Failed to maintain compliance with NOx hourly MAER for Heater H-0900. Specifically, the heater exceeded the NOx MAER of 12.19 pounds per hour ("lb/hr") for a total of 48 hours on November 26 and 27, 2010, and February 17, 2011. The NOx emission rate ranged from 13.99 lb/hr to 19.21 lb/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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: 36644/PSD-TX-903M3, SC30C PERMIT  
SC No. 30.C. PERMIT  
STC No. 20 OP

Description: Failed to use the correct reference temperature to determine the stack flow concentration based on the measured firing rate and British thermal unit ("Btu") content of the fuel for the following units (and Emission Point Nos.): Ethylene Cracking Furnaces (N-1 through N-9), Supplemental Boiler (N-14), the Cogeneration Trains (N-20A and N-20B), Boilers B-7280 (N-24) and B-7290 (N-24B), and the Thermal Oxidizer (N-19). The Respondent used a temperature of 60EF instead of the standard of 68EF to

14 Effective Date: 04/07/2013 ADMINORDER 2012-1277-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 36644, Special Condition 1 PERMIT  
O-02551, Special Condition 20 OP

Description: Failed to maintain compliance with the NOx hourly MAER for Boiler B-7290 (Emission Point No. N-24B). Specifically, Boiler B-7290 exceeded the NOx MAER of 4.25 lbs/hr on May 16, 2011 for four hours and on July 29, 2011 for one hour. The NOx emission rate ranged from 5.05 lbs/hr to 20.36 lbs/hr.

15 Effective Date: 08/26/2013 ADMINORDER 2012-1773-IWD-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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

Rqmt Prov: Permit Conditions No. 2.d PERMIT

Description: Failed to prevent the unauthorized discharge of industrial wastewater. During an investigation on May 25, 2012, TCEQ staff documented that approximately 1,190,000 gallons of water containing 785 pounds of free chlorine was discharged from the storm water pond, which is authorized to discharge only non-process area storm water runoff. The discharge went through Outfall No. 001 into Drainage District ("DD") 7 Lateral 1-A to the confluence of DD-7 Lateral 1-A with the DD-7 Atlantic Main Ditch r

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 08, 2008	(709755)
Item 2	December 23, 2008	(707971)
Item 3	February 04, 2009	(725405)
Item 4	February 25, 2009	(724544)
Item 5	March 23, 2009	(735846)
Item 6	March 24, 2009	(737450)
Item 7	June 04, 2009	(738245)
Item 8	July 16, 2009	(749656)
Item 9	September 24, 2009	(762608)
Item 10	September 28, 2009	(764587)
Item 11	October 01, 2009	(764402)
Item 12	October 05, 2009	(765783)
Item 13	October 22, 2009	(765935)
Item 14	October 26, 2009	(766609)
Item 15	November 09, 2009	(778734)
Item 16	November 16, 2009	(782133)
Item 17	December 21, 2009	(781746)
Item 18	January 11, 2010	(787273)
Item 19	January 28, 2010	(786723)
Item 20	February 01, 2010	(786196)
Item 21	February 26, 2010	(793152)
Item 22	March 15, 2010	(786185)
Item 23	March 19, 2010	(790121)
Item 24	June 16, 2010	(826135)
Item 25	July 02, 2010	(827654)
Item 26	July 31, 2010	(829467)
Item 27	September 03, 2010	(849157)
Item 28	September 16, 2010	(864368)
Item 29	September 29, 2010	(849057)
Item 30	November 30, 2010	(877275)
Item 31	February 28, 2011	(899069)
Item 32	May 06, 2011	(915541)
Item 33	July 19, 2011	(921694)
Item 34	September 12, 2011	(951981)
Item 35	October 13, 2011	(949970)
Item 36	February 28, 2012	(983111)
Item 37	May 16, 2012	(1002244)
Item 38	September 18, 2012	(1031377)
Item 39	October 17, 2012	(1035687)
Item 40	October 29, 2012	(1034663)
Item 41	November 20, 2012	(1044058)
Item 42	November 30, 2012	(1043017)
Item 43	January 04, 2013	(1051857)
Item 44	February 05, 2013	(1043769)
Item 45	May 07, 2013	(1074674)
Item 46	May 13, 2013	(1088762)
Item 47	July 01, 2013	(1099043)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 03/26/2013 (1056567) CN604166967  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2D PERMIT  
Special Condition 9E PERMIT  
Special Term & Condition 1A OP  
Special Terms and Conditions 14 OP  
Description: Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on 2 components in the C4 unit. (C10)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(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 60.482-7(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1(A) OP  
Special Condition 14 OP  
Special Condition 2D PERMIT  
Special Condition 8 OP  
Special Conditions 9F and 9G PERMIT  
Description: Failure to conduct quarterly fugitive monitoring of 209 components. (B19g1)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter K 106.262(3)  
30 TAC Chapter 116, SubChapter B 116.110(a)  
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 8 OP  
Description: Failure to permit/authorize 209 fugitive components in VOC service. (B9)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
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(A) OP  
Special Condition 12D PERMIT  
Special Term & Condition 14 OP  
Description: Failure to prevent smoke from the High Pressure Flare. (B19g1)
- 2 Date: 08/30/2013 (1109682) CN604166967  
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)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
General Conditions OP  
Description: Failure to report eight deviations in a Semiannual Deviation Report.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
O-02551, General Conditions OP  
Description: Failure to accurately certify compliance in the ACC for all deviations in the previous semi-annual deviation report.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
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-02551, SC24A OP  
 SC 1 A OP  
 SC 4 B PERMIT  
 SC 9 E PERMIT  
 Description: Failure to prevent open-ended lines or valves without a cap, plug, second valve, or blind flange on 5 components.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 - SC4B PERMIT  
 36644 - SC9F PERMIT  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
 5C THSC Chapter 382 382.085(b)  
 O-02551, SC24A OP  
 SC 1 A OP  
 SC 10 PERMIT  
 SC 6 B PERMIT  
 SC 6 C PERMIT  
 SC 6 F PERMIT

Description: Failure to conduct quarterly fugitive monitoring of approximately 99 components in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 SC16A PERMIT  
 5C THSC Chapter 382 382.085(b)  
 FOP O-02551 SC24A OP

Description: Failure to comply with the permitted NOx ppm limit of 6 ppm and CO limit of 50 ppm for Cogeneration units 1 and 2 for a total of 9 hours.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, SC21 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-02551, SC 24A OP

Description: Failure to comply with the permitted CO and NOx lbs./MMBTU limits. B14

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, SC1 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-02551, SC 24A OP

Description: Failure to comply with limits as specified in the MAERT. B14

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, SC 19 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-02551, SC 24A OP

Description: Failure to maintain the Thermal Oxidizer operating temperature above the minimum on three occasions. B19g1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, SC 21 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-02551, SC24A OP

Description: Failure to comply with the NOx lb./MMBTU limit of 0.025 for a total of 11 hours. B14

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, SC 20 PERMIT 5C THSC Chapter 382 382.085(b) O-02551, SC 24A OP		
Description:	Failure to operate the Carbon Adsorption System as permitted. BASF failed to have a 20,000 pound polishing canister on the CAS train, and a 2,000 pound canister was used instead. B19(g)(1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Condition 1 PERMIT Special Condition 24A OP		
Description:	Failure to permit/authorize Cogeneration Diesel Start Engines A and B, and 65 fugitive components in VOC service. B9		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) General Condition 3 PERMIT Special Condition 24A OP		
Description:	Failure to submit the start of construction notification for equipment related to methane importation into BASF. B9		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, SC59A PERMIT 5C THSC Chapter 382 382.085(b) O-02551 SC42A OP		
Description:	Failure to operate the Carbon Adsorption System as permitted. BASF failed to route the hoses properly after a site turnaround, leading to the vent stream from the EQ tank only being routed to one canister. B19(g)(1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 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 24 A OP SC 9 F PERMIT		
Description:	Failure to monitor 25 new or reworked connections within 15 days after being placed in service.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter B 116.116(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(3) 5C THSC Chapter 382 382.085(b) SC 1 PERMIT SC 24 A OP		
Description:	Failure to comply with the permitted annual startup limit for Heater H-6101.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 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 OP SC 14 D PERMIT SC 24 A OP		
Description:	Failure to prevent a smoking flare.		

**F. Environmental audits:**

Notice of Intent Date: 06/08/2011 (934631)

No DOV Associated

**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 TOTAL PETROCHEMICALS  
LLC  
RN100216977**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-1835-AIR-E**

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 TOTAL Petrochemicals LLC ("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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a petrochemical plant located at Gate 99 on Farm-to-Market Road 366, at the intersection of Farm-to-Market Road 366 and State Highway 73 in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted from July 29, 2013 through August 1, 2013, TCEQ staff documented that the Respondent failed to comply with the maximum allowable emissions rate ("MAER") of 17.65 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx") for Cogeneration Unit 2, Emission Point Number ("EPN") N-20B. Specifically, from 6:00 a.m. to 6:59 a.m. on April 13, 2012 and from 8:00 a.m. to 8:59 a.m. on September 12, 2012, Cogeneration Unit 2 emitted 28.45 lbs and 36.01 lbs of NOx, respectively, resulting in a total of 29.16 lbs of unauthorized NOx emissions.
4. During a record review conducted from July 29, 2013 through August 1, 2013, TCEQ staff documented that the Respondent failed to comply with the MAER of 13.60 lbs/hr of NOx for Boiler B-7240, EPN N-14. Specifically, from 4:00 a.m. to 4:59 a.m. on October 14, 2012, Boiler B-7240 emitted 17.16 lbs of NOx, resulting in 3.56 lbs of unauthorized NOx emissions.
5. During a record review conducted from July 29, 2013 through August 1, 2013, TCEQ staff documented that the Respondent failed to comply with the MAER for the Flare System, EPNs N-15 and N-15A. Specifically, the Respondent exceeded the volatile organic compounds ("VOC"), carbon monoxide ("CO"), and NOx combined MAER of 359.7 tons per year based on a rolling 12-month period from March 2012 through February 2013, resulting in an unauthorized release of 408.3 tons of VOC, CO, and NOx combined.
6. During a record review conducted from July 29, 2013 through August 1, 2013, TCEQ staff documented that the Respondent failed to maintain the minimum net heating value for the Shielded Flare, EPN N-15A, and the Ground Flare, EPN N-15. Specifically, the minimum net heating value for the Flare System was not maintained for a total of 181.25 hours during the period of March 30, 2012 through January 23, 2013. The minimum net heating value for the Shielded Flare is 300 British thermal units per standard cubic foot ("Btu/scf") and the minimum net heating value for the Ground Flare is 635 Btu/scf when waste gas has a hydrogen content of eight percent volume and 825 Btu/scf when waste gas has a hydrogen content of less than eight percent volume. The lowest net heating values were 183.04 Btu/scf for the Shielded Flare and 191.72 Btu/scf for the Ground Flare.
7. The Respondent received notice of the violations on September 3, 2013.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. By January 31, 2013, instructed personnel to minimize the use of the low pressure fuel gas by increasing the firing of fuel gas from the high pressure fuel

gas drum to prevent a recurrence of NOx exceedances due to the same cause as the October 14, 2012 exceedance;

- b. By May 31, 2013, replaced and tuned the thermocouples that caused the Cogeneration Unit 2 to change firing modes and exceed its NOx MAER to prevent a recurrence of NOx exceedances due to the same cause as the April 13, 2012 and September 12, 2012 exceedances;
- c. By July 26, 2013, repaired or replaced equipment and implemented measures to reduce emissions from the Flare System to assist in returning to compliance with the VOC, CO, and NOx combined MAER based on the rolling 12-month period; and
- d. By August 1, 2013, instructed operations personnel to communicate flare status to all working groups and to manually add methane to the Ground Flare when necessary to maintain compliance with the minimum net heating value. Additionally, the Respondent revised the Distributive Control System control scheme to automatically add methane to the Shielded Flare when necessary.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MAER of 17.65 lbs/hr of NOx for Cogeneration Unit 2, EPN N-20B, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 36644, PSDTX903M5, and N007M1, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O2551, Special Terms and Conditions ("STC") No. 24.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the MAER of 13.60 lbs/hr of NOx for Boiler B-7240, EPN N-14, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, and FOP No. O2551, STC No. 24.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the MAER for the Flare System, EPNs N-15 and N-15A, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and N007M1, SC No. 1, and FOP No. O2551, STC No. 24.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain the minimum net heating value for the Shielded Flare, EPN N-15A, and the Ground Flare, EPN N-15, in

violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 36644, PSDTX903M5, and Noo7M1, SC No. 14, and FOP No. O2551, STC No. 24.

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Three Hundred Forty-Five Thousand Nine Hundred Thirty-Eight Dollars (\$345,938) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969) of the administrative penalty and One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969) shall be conditionally offset by the Respondent's completion of two Supplemental Environmental Projects ("SEPs").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Forty-Five Thousand Nine Hundred Thirty-Eight Dollars (\$345,938) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF TOTAL Petrochemicals LLC, Docket No. 2013-1835-AIR-E" to:

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

2. The Respondent shall implement and complete two SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7 above, One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969) of the assessed administrative penalty shall be offset with the condition that the SEPs defined in Attachments A and B, incorporated herein by reference, are implemented by the

Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. Within 180 days after the effective date of this Agreed Order, certify compliance with the annual emissions rate based on a 12-month rolling period for VOC, CO, and NOx combined from the Flare System (EPNs N-15 and N-15A), in accordance with SC No. 1 of NSR Permit Nos. 36644, PSDTX903M5, and N007M1. The certification shall include detailed supporting documentation including photographs, 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
  7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  8. 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.
  9. 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.
  10. 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.
  11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

5/26/14  
Date

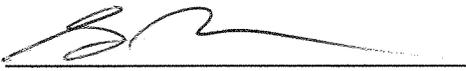
I, the undersigned, have read and understand the attached Agreed Order in the matter of BASF TOTAL Petrochemicals LLC. I am authorized to agree to the attached Agreed Order on behalf of BASF TOTAL Petrochemicals LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, BASF TOTAL Petrochemicals LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

4-8-14  
Date

GREGORY MASICA  
Name (Printed or typed)  
Authorized Representative of  
BASF TOTAL Petrochemicals LLC

VP SITE MANAGER  
Title

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



**Attachment A**

**Docket Number: 2013-1835-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>BASF TOTAL Petrochemicals LLC</b>
<b>Penalty Amount:</b>	<b>One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969)</b>
<b>SEP Offset Amount:</b>	<b>Eighty-Six Thousand Four Hundred Eighty-Four Dollars (\$86,484)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Clean Buses Project</i></b>
<b>Location of SEP:</b>	<b>Jefferson County; Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the “Project”). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that

BASF TOTAL Petrochemicals LLC  
Agreed Order - Attachment A

is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Ken Awtrey, Executive Director  
P.O. Box 635067  
Nacogdoches, Texas 75963-5067

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. **Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



**Attachment B**  
**Docket Number: 2013-1835-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>BASF TOTAL Petrochemicals LLC</b>
<b>Penalty Amount:</b>	<b>One Hundred Seventy-Two Thousand Nine Hundred Sixty-Nine Dollars (\$172,969)</b>
<b>SEP Offset Amount:</b>	<b>Eighty-Six Thousand Four Hundred Eighty-Five Dollars (\$86,485)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely

and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### **5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.