

Executive Summary – Enforcement Matter – Case No. 51720

BASF Corporation

RN100218049

Docket No. 2016-0177-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF Freeport Site, 602 Copper Road, located southwest of the intersection of State Highway 288/332 and State Highway 288B, northwest of Freeport, Brazoria County

Type of Operation:

Industrial wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 10, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$46,875

Amount Deferred for Expedited Settlement: \$9,375

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$37,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 19, 2015

Date(s) of NOE(s): December 10, 2015

Executive Summary – Enforcement Matter – Case No. 51720

BASF Corporation

RN100218049

Docket No. 2016-0177-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for total residual chlorine, ammonia nitrogen, and *Enterococci* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003977000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 003].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 365 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0003977000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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: James Boyle, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2527; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Christopher P. Witte, Senior Vice President, BASF Corporation, 602 Copper Road, Freeport, Texas 77541

Teressa Szelest, Executive Vice President, BASF Corporation, 602 Copper Road, Freeport, Texas 77541

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	14-Dec-2015	Screening	6-Jan-2016	EPA Due	5-Mar-2016
	PCW	13-Jan-2016				

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF Corporation
Reg. Ent. Ref. No.	RN100218049
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	51720	No. of Violations	2
Docket No.	2016-0177-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Boyle
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$18,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Adjustment **Subtotals 2, 3, & 7** **\$18,750**

Notes: Enhancement for four months of self-reported effluent violations, nine NOVs with dissimilar violations, three agreed orders with denial of liability, and one agreed order without denial of liability. Reduction for thirteen notices of intent to conduct an audit and four disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$9,375**

Total EB Amounts \$44,416
Estimated Cost of Compliance \$300,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$46,875**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$46,875**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$46,875**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$9,375**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$37,500**

Screening Date 6-Jan-2016

Docket No. 2016-0177-IWD-E

PCW

Respondent BASF Corporation

Policy Revision 4 (April 2014)

Case ID No. 51720

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218049

Media [Statute] Water Quality

Enf. Coordinator James Boyle

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>)	4	20%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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>)	13	-13%
	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>)	4	-8%

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) 102%

>> **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 four months of self-reported effluent violations, nine NOVs with dissimilar violations, three agreed orders with denial of liability, and one agreed order without denial of liability. Reduction for thirteen notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 102%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 6-Jan-2016
Respondent BASF Corporation
Case ID No. 51720
Reg. Ent. Reference No. RN100218049
Media [Statute] Water Quality
Enf. Coordinator James Boyle

Docket No. 2016-0177-IWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003977000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 003

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on November 19, 2015, and shown in the attached effluent violation table.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Enterococci and total residual chlorine were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that 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 Number of violation days

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

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters containing the months of June 2015, August 2015, and September 2015 for Outfall No. 001, and July 2015 for Outfall No. 003.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44,416

Violation Final Penalty Total \$28,125

This violation Final Assessed Penalty (adjusted for limits) \$28,125

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 51720
Reg. Ent. Reference No. RN100218049
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$300,000	30-Jun-2015	10-Aug-2017	2.12	\$2,115	\$42,301	\$44,416
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

The Engineering/Construction cost is the estimated cost for engineering and construction for modifications to the chlorine contact basin. Date required is the end date of the first month of noncompliance and the final date is the anticipated 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

\$300,000

TOTAL

\$44,416

Screening Date 6-Jan-2016
Respondent BASF Corporation
Case ID No. 51720
Reg. Ent. Reference No. RN100218049
Media [Statute] Water Quality
Enf. Coordinator James Boyle

Docket No. 2016-0177-IWD-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0003977000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on November 19, 2015, and shown in the attached effluent violation table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual		x	
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended for July 2015 for Outfall No. 001.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 51720
Reg. Ent. Reference No. RN100218049
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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

See Economic Benefit for Violation No. 1.

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

\$0

TOTAL

\$0

BASF Corporation
Docket No. 2016-0177-IWD-E
TPDES Permit No. WQ0003977000

Effluent Violation Table

Monitoring Period	Outfall No. 001		Outfall No. 003
	Total Residual Chlorine	<i>Enterococci</i>	Ammonia Nitrogen
	Daily Maximum Concentration	Daily Maximum Concentration	Daily Maximum Concentration
	Limit = 0.1 mg/L	Limit = 104 CFU/100 mL	Limit = 15 mg/L
June 2015	compliant	134	compliant
July 2015	4.89	compliant	22.4
August 2015	0.13	compliant	compliant
September 2015	0.17	compliant	compliant

mg/L = milligrams per liter

CFU/100 mL = colony forming units per 100 milliliter

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600124895, RN100218049, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600124895, BASF Corporation

Classification: SATISFACTORY

Rating: 4.70

Regulated Entity: RN100218049, BASF FREEPORT SITE

Classification: SATISFACTORY

Rating: 4.41

Complexity Points: 52

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: at 602 Copper Road, southwest of the intersection of State Highway 288/332 and State Highway 288B, northwest of the City of Freeport, in Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL00210

AIR OPERATING PERMITS PERMIT 1925

AIR OPERATING PERMITS PERMIT 1927

AIR OPERATING PERMITS PERMIT 2158

AIR OPERATING PERMITS PERMIT 3826

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD008081697

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50128

WASTEWATER EPA ID TX0008788

AIR NEW SOURCE PERMITS REGISTRATION 10373

AIR NEW SOURCE PERMITS REGISTRATION 10437

AIR NEW SOURCE PERMITS REGISTRATION 10578

AIR NEW SOURCE PERMITS REGISTRATION 10641

AIR NEW SOURCE PERMITS REGISTRATION 11081

AIR NEW SOURCE PERMITS PERMIT 7596A

AIR NEW SOURCE PERMITS PERMIT 7223A

AIR NEW SOURCE PERMITS PERMIT 1396A

AIR NEW SOURCE PERMITS PERMIT 1395A

AIR NEW SOURCE PERMITS REGISTRATION 1391A

AIR NEW SOURCE PERMITS PERMIT 1445A

AIR NEW SOURCE PERMITS PERMIT 8074A

AIR NEW SOURCE PERMITS PERMIT 9494A

AIR NEW SOURCE PERMITS REGISTRATION 12952A

AIR NEW SOURCE PERMITS REGISTRATION 13481A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL00210

AIR NEW SOURCE PERMITS PERMIT 19886

AIR NEW SOURCE PERMITS REGISTRATION 42856

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX959

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX193M1

AIR NEW SOURCE PERMITS AFS NUM 4803900017

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX641M1

AIR NEW SOURCE PERMITS REGISTRATION 54190

AIR NEW SOURCE PERMITS REGISTRATION 56520

AIR NEW SOURCE PERMITS REGISTRATION 77324

AIR NEW SOURCE PERMITS REGISTRATION 82606

AIR OPERATING PERMITS PERMIT 1536

AIR OPERATING PERMITS PERMIT 1926

AIR OPERATING PERMITS PERMIT 1928

AIR OPERATING PERMITS PERMIT 2907

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0200501

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30024

WASTEWATER PERMIT WQ0003977000

AIR NEW SOURCE PERMITS REGISTRATION 10310

AIR NEW SOURCE PERMITS REGISTRATION 10388

AIR NEW SOURCE PERMITS REGISTRATION 10554

AIR NEW SOURCE PERMITS REGISTRATION 10634

AIR NEW SOURCE PERMITS REGISTRATION 11080

AIR NEW SOURCE PERMITS REGISTRATION 11286

AIR NEW SOURCE PERMITS PERMIT 7595A

AIR NEW SOURCE PERMITS PERMIT 735B

AIR NEW SOURCE PERMITS REGISTRATION 1390A

AIR NEW SOURCE PERMITS PERMIT 1733A

AIR NEW SOURCE PERMITS REGISTRATION 1392A

AIR NEW SOURCE PERMITS PERMIT 6773A

AIR NEW SOURCE PERMITS PERMIT 9513A

AIR NEW SOURCE PERMITS PERMIT 9603A

AIR NEW SOURCE PERMITS REGISTRATION 12957A

AIR NEW SOURCE PERMITS REGISTRATION 12277A

AIR NEW SOURCE PERMITS PERMIT 735C

AIR NEW SOURCE PERMITS PERMIT 40799

AIR NEW SOURCE PERMITS PERMIT 55239

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX641

AIR NEW SOURCE PERMITS REGISTRATION 130747

AIR NEW SOURCE PERMITS REGISTRATION 56742

AIR NEW SOURCE PERMITS REGISTRATION 90607

AIR NEW SOURCE PERMITS REGISTRATION 72728

AIR NEW SOURCE PERMITS REGISTRATION 74947

AIR NEW SOURCE PERMITS REGISTRATION 83062

AIR NEW SOURCE PERMITS REGISTRATION 85277

AIR NEW SOURCE PERMITS REGISTRATION 85333
AIR NEW SOURCE PERMITS REGISTRATION 91495
AIR NEW SOURCE PERMITS REGISTRATION 91693
AIR NEW SOURCE PERMITS REGISTRATION 96347
AIR NEW SOURCE PERMITS REGISTRATION 100057
AIR NEW SOURCE PERMITS REGISTRATION 101310
AIR NEW SOURCE PERMITS REGISTRATION 100691
AIR NEW SOURCE PERMITS REGISTRATION 99541
AIR NEW SOURCE PERMITS REGISTRATION 104186
AIR NEW SOURCE PERMITS REGISTRATION 111385
AIR NEW SOURCE PERMITS REGISTRATION 122934
AIR NEW SOURCE PERMITS REGISTRATION 115569
AIR NEW SOURCE PERMITS REGISTRATION 118159
AIR NEW SOURCE PERMITS REGISTRATION 134319
AIR NEW SOURCE PERMITS REGISTRATION 120903
AIR NEW SOURCE PERMITS REGISTRATION 111168
AIR NEW SOURCE PERMITS REGISTRATION 110767
AIR NEW SOURCE PERMITS REGISTRATION 113198
AIR NEW SOURCE PERMITS REGISTRATION 133869
AIR NEW SOURCE PERMITS REGISTRATION 110771
AIR NEW SOURCE PERMITS REGISTRATION 136733
AIR NEW SOURCE PERMITS REGISTRATION 110944
AIR NEW SOURCE PERMITS REGISTRATION 122468
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX284M1
AIR NEW SOURCE PERMITS REGISTRATION 117222
AIR NEW SOURCE PERMITS REGISTRATION 124321
AIR NEW SOURCE PERMITS REGISTRATION 122304
AIR NEW SOURCE PERMITS REGISTRATION 136707
AIR NEW SOURCE PERMITS EPA PERMIT N200
AIR NEW SOURCE PERMITS REGISTRATION 109675
AIR NEW SOURCE PERMITS REGISTRATION 121877
AIR NEW SOURCE PERMITS REGISTRATION 134886
AIR NEW SOURCE PERMITS REGISTRATION 110775
AIR NEW SOURCE PERMITS REGISTRATION 134449
AIR NEW SOURCE PERMITS REGISTRATION 132552
AIR NEW SOURCE PERMITS REGISTRATION 110776
AIR NEW SOURCE PERMITS REGISTRATION 124655
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX193M3
AIR NEW SOURCE PERMITS REGISTRATION 115891
AIR NEW SOURCE PERMITS EPA PERMIT N218
AIR NEW SOURCE PERMITS REGISTRATION 119364
UNDERGROUND INJECTION CONTROL PERMIT WDW099
UNDERGROUND INJECTION CONTROL PERMIT WDW409
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30024
POLLUTION PREVENTION PLANNING ID NUMBER
P00069

AIR NEW SOURCE PERMITS REGISTRATION 87592
AIR NEW SOURCE PERMITS EPA PERMIT N126
AIR NEW SOURCE PERMITS REGISTRATION 94421
AIR NEW SOURCE PERMITS REGISTRATION 99651
AIR NEW SOURCE PERMITS REGISTRATION 101418
AIR NEW SOURCE PERMITS REGISTRATION 99497
AIR NEW SOURCE PERMITS REGISTRATION 97946
AIR NEW SOURCE PERMITS REGISTRATION 102885
AIR NEW SOURCE PERMITS REGISTRATION 102484
AIR NEW SOURCE PERMITS REGISTRATION 126158
AIR NEW SOURCE PERMITS REGISTRATION 124017
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX908
AIR NEW SOURCE PERMITS REGISTRATION 122896
AIR NEW SOURCE PERMITS REGISTRATION 130589
AIR NEW SOURCE PERMITS REGISTRATION 131174
AIR NEW SOURCE PERMITS REGISTRATION 135076
AIR NEW SOURCE PERMITS REGISTRATION 109791
AIR NEW SOURCE PERMITS PERMIT 118239
AIR NEW SOURCE PERMITS REGISTRATION 122336
AIR NEW SOURCE PERMITS REGISTRATION 132941
AIR NEW SOURCE PERMITS REGISTRATION 133878
AIR NEW SOURCE PERMITS REGISTRATION 108789
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1462
AIR NEW SOURCE PERMITS REGISTRATION 117777
AIR NEW SOURCE PERMITS PERMIT 132611
AIR NEW SOURCE PERMITS REGISTRATION 123939
AIR NEW SOURCE PERMITS REGISTRATION 137272
AIR NEW SOURCE PERMITS REGISTRATION 122980
AIR NEW SOURCE PERMITS REGISTRATION 129194
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX136
AIR NEW SOURCE PERMITS REGISTRATION 120293
AIR NEW SOURCE PERMITS REGISTRATION 120524
AIR NEW SOURCE PERMITS REGISTRATION 116079
AIR NEW SOURCE PERMITS REGISTRATION 119170
AIR NEW SOURCE PERMITS REGISTRATION 117121
AIR NEW SOURCE PERMITS REGISTRATION 132691
AIR NEW SOURCE PERMITS REGISTRATION 134305
AIR NEW SOURCE PERMITS REGISTRATION 112554
AIR NEW SOURCE PERMITS REGISTRATION 110772
AIR NEW SOURCE PERMITS REGISTRATION 123615
UNDERGROUND INJECTION CONTROL PERMIT WDW051
UNDERGROUND INJECTION CONTROL PERMIT WDW408
WATER LICENSING LICENSE 0200501
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL00210
STORMWATER PERMIT TXR150016784

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: December 16, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 16, 2010 to December 16, 2015

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

Name: James Boyle

Phone: (512) 239-2527

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: 10/13/2012 ADMINORDER 2012-0454-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions during an emissions event that occurred on September 26, 2011 to September 27, 2012. (Category A8)
- 2 Effective Date: 08/03/2013 ADMINORDER 2013-0169-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: NSR Permit 1733A PERMIT
 Title V Permit 1926 PERMIT
 Description: Failure to prevent scrubber bypasses from the SOx scrubbers (EPNs 7-1-73 and 14-1-76) during nitrogen purges in Capro 1 and Capro 2
 Classification: Moderate
 Citation: 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(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 ST&C SC-11 OP
 Description: Failure to keep NOx emission limits of R-170 (based on compliance test results for NOx of 0.229 lbs/hr) within permit limits (0.030 lbs/hr). [A.8.c.1.H]
- 3 Effective Date: 09/12/2013 ADMINORDER 2013-0266-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failure to comply with the MAER for VOCs from catalytic incinerator R-170 while operating the catalyst bed installed in October 2011. [Subcategory A8]
- 4 Effective Date: 08/24/2015 ADMINORDER 2014-1304-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 ST&C 11 OP
 Description: Failed to comply with the MAERs for FL-200 Flare (OXO) Intermittent, EPN 5-2-02. Specifically, the Respondent exceeded the VOC MAER of 6.13 tpy based on a rolling 12-month period for the 12-month periods ending from April 2013 through Sept 2013, the CO MAER of 4.34 tpy based on a rolling 12-month period for the 12-month periods ending from May 2013 through Aug 2013, and the NOx MAER of 0.67 tpy based on a rolling 12-month period for the 12-month periods ending from June 2013 through July 2013.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 10F PERMIT

ST&C 11 OP

ST&C 1A OP

Description: Failed to conduct LDAR monitoring on 1,389 components. Specifically, the Respondent failed to conduct monthly LDAR monitoring on 2 pumps in light liquid (LL) service during the period 7/1/09 - 9/30/13 and failed to conduct

quarterly LDAR monitoring on 1,118 connectors in LL service, 110 connectors in gas/vapor (G/V) service, 1 pressure relief valve (PRV) in LL service, 1 PRV in G/V service, 133 general valves in LL service, and 24 general valves in G/V service during the period 7/1/09 - 9/30/13.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 12, 2011	(902364)
Item 2	February 03, 2011	(891587)
Item 3	February 17, 2011	(909149)
Item 4	February 28, 2011	(892231)
Item 5	March 15, 2011	(916400)
Item 6	April 06, 2011	(907287)
Item 7	April 14, 2011	(924931)
Item 8	May 17, 2011	(915816)
Item 9	May 20, 2011	(938086)
Item 10	May 27, 2011	(899340)
Item 11	June 20, 2011	(945458)
Item 12	June 30, 2011	(934459)
Item 13	July 13, 2011	(934140)
Item 14	August 09, 2011	(937530)
Item 15	August 11, 2011	(922157)
Item 16	August 15, 2011	(959369)
Item 17	August 31, 2011	(951779)
Item 18	September 19, 2011	(971441)
Item 19	September 28, 2011	(955564)
Item 20	October 26, 2011	(948627)
Item 21	November 17, 2011	(977597)
Item 22	December 19, 2011	(984365)
Item 23	December 21, 2011	(964640)
Item 24	January 11, 2012	(990664)
Item 25	January 27, 2012	(970566)
Item 26	February 10, 2012	(987103)
Item 27	February 14, 2012	(983589)
Item 28	February 15, 2012	(984038)
Item 29	February 16, 2012	(998028)
Item 30	March 19, 2012	(1003553)
Item 31	April 17, 2012	(1010119)
Item 32	May 01, 2012	(964306)
Item 33	May 16, 2012	(1002867)
Item 34	May 18, 2012	(1016509)
Item 35	June 18, 2012	(1024232)
Item 36	July 16, 2012	(1031624)
Item 37	August 06, 2012	(1021959)
Item 38	August 10, 2012	(1023188)

Item 39	August 14, 2012	(1022062)
Item 40	August 15, 2012	(1038001)
Item 41	September 17, 2012	(1046739)
Item 42	October 08, 2012	(1028726)
Item 43	October 12, 2012	(1030572)
Item 44	October 15, 2012	(1029491)
Item 45	October 16, 2012	(1061075)
Item 46	October 22, 2012	(1030573)
Item 47	October 23, 2012	(1029207)
Item 48	October 30, 2012	(1042286)
Item 49	November 15, 2012	(1061076)
Item 50	December 17, 2012	(1061077)
Item 51	December 19, 2012	(1030781)
Item 52	February 19, 2013	(1079088)
Item 53	February 21, 2013	(1057408)
Item 54	March 13, 2013	(1089368)
Item 55	March 19, 2013	(1073957)
Item 56	April 15, 2013	(1095760)
Item 57	May 15, 2013	(1087803)
Item 58	June 17, 2013	(1110360)
Item 59	June 18, 2013	(1094384)
Item 60	July 08, 2013	(1100585)
Item 61	July 11, 2013	(1092642)
Item 62	July 15, 2013	(1117245)
Item 63	July 31, 2013	(1105060)
Item 64	August 13, 2013	(1125003)
Item 65	August 22, 2013	(1113917)
Item 66	September 20, 2013	(1120832)
Item 67	October 07, 2013	(1116454)
Item 68	October 20, 2013	(1135332)
Item 69	October 21, 2013	(1104308)
Item 70	October 28, 2013	(1115704)
Item 71	November 14, 2013	(1140730)
Item 72	November 22, 2013	(1116248)
Item 73	December 13, 2013	(1147189)
Item 74	December 19, 2013	(1129195)
Item 75	January 16, 2014	(1153258)
Item 76	February 18, 2014	(1160593)
Item 77	March 14, 2014	(1152306)
Item 78	March 17, 2014	(1151999)
Item 79	March 18, 2014	(1167238)
Item 80	April 14, 2014	(1152669)
Item 81	April 17, 2014	(1174371)
Item 82	April 25, 2014	(1158520)
Item 83	May 12, 2014	(1164685)
Item 84	May 14, 2014	(1180558)
Item 85	May 23, 2014	(1163801)
Item 86	May 29, 2014	(1164930)
Item 87	June 02, 2014	(1171013)
Item 88	June 16, 2014	(1187456)
Item 89	July 14, 2014	(1166987)
Item 90	July 18, 2014	(1198662)
Item 91	July 24, 2014	(1184213)
Item 92	August 19, 2014	(1198663)
Item 93	August 28, 2014	(1192232)
Item 94	August 29, 2014	(1190584)
Item 95	September 03, 2014	(1177550)
Item 96	September 09, 2014	(1172220)

Item 97	September 15, 2014	(1076819)
Item 98	September 17, 2014	(1205861)
Item 99	October 17, 2014	(1212275)
Item 100	November 17, 2014	(1208817)
Item 101	November 19, 2014	(1218526)
Item 102	December 17, 2014	(1224307)
Item 103	January 13, 2015	(1217421)
Item 104	February 12, 2015	(1242343)
Item 105	March 20, 2015	(1248672)
Item 106	April 13, 2015	(1240994)
Item 107	April 20, 2015	(1255572)
Item 108	April 28, 2015	(1246097)
Item 109	April 30, 2015	(1245995)
Item 110	May 12, 2015	(1241425)
Item 111	May 19, 2015	(1262282)
Item 112	May 21, 2015	(1248207)
Item 113	June 18, 2015	(1252052)
Item 114	June 19, 2015	(1258723)
Item 115	June 20, 2015	(1269451)
Item 116	June 22, 2015	(1259397)
Item 117	July 07, 2015	(1254564)
Item 118	August 12, 2015	(1268484)
Item 119	September 04, 2015	(1276143)
Item 120	December 11, 2015	(1295780)

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: 02/04/2015 (1210933) CN600124895
Self Report? NO Classification: Minor
Citation: 2158 ST&C 15 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THSC Chapter 382 382.085(b)
7223A & PSDTX 193M3 Special Conditions PERMIT
Description: Failure to maintain minimum total flow rate of the caustic scrubber (Category C).
Self Report? NO Classification: Minor
Citation: 2158 ST&C 2F PERMIT
30 TAC Chapter 117, SubChapter B 117.340(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.47c
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211
5C THSC Chapter 382 382.085(b)
Description: Failure to report CEMS downtime correctly (Category C3)
Self Report? NO Classification: Minor
Citation: 2158 ST&C 1A PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1434(a)
5C THSC Chapter 382 382.085(b)
7223A, SC 9E(i) PERMIT
Description: Failure to seal open-ended valve or line with cap, blind flange, plug or secondary valve (Category C).
Self Report? NO Classification: Minor
Citation: 2158 ST&C 12 PERMIT
2158, General Terms & Conditions PERMIT
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit FOP amendments in time (category C 3).
- 2 Date: 02/25/2015 (1211147) CN600124895
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition (ST&C) 9 OP
NSR Special Condition (SC) 6(C)(3) PERMIT
Description: Failure to maintain the temperature between 30 and 40 degrees Celsius (C) in
neutralization tank (FIN 15-3-D6170). (Category C4)

3 Date: 02/27/2015 (1211019) CN600124895
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP ST&C 12. OP
NSR SC 11.E. PERMIT

Description: NSR SC 19.E. PERMIT
Created open ended lines in VOC service (Category C10).
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.121(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1219(a)(5)(i)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1.E. OP
FOP ST&C 12. OP
NSR SC 4. PERMIT

Description: Exceeded carbon monoxide (CO) emission limit (Category B13).
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 12. OP
NSR SC 7.F. PERMIT

Description: Did not perform a stack sampling every five years (Category B1).
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
5C THSC Chapter 382 382.085(b)
FOP ST&C 12. OP
NSR SC 19.F. PERMIT

Description: Did not perform quarterly fugitive monitoring (Category C1).
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Did not include all deviations in a deviation report (Category B3).

4 Date: 05/28/2015 (1229653) CN600124895
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1F OP

Description: Failure to submit initial notification for reportable emissions event within 24-hour
(category C3 violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 4A PERMIT
Special Term and Condition 1A and 11 OP

Description: Failure to maintain the minimum net heating value for flares FL-200 and FL-200A (category C4 violation).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6 PERMIT
 Special Term and Condition 1A and 11 OP

Description: Failure to control vent gas streams using thermal oxidizer, EPN 5-4-31 (category B18 violation).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4D PERMIT
 Special Term and Condition 1A and 11 OP

Description: Failure to conduct daily manual sampling of flares, FL-200 and FL-200A, during CEMS downtime exceeding 8 consecutive hours (category B1 violation).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to maintain emissions of NOx below their allowable limit for flare F-90 (EPN 5-1-02) (category B13 violation).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10F PERMIT
 Special Term and Condition 1A and 11 OP

Description: Failure to conduct the first repair attempt of leak detected on filter F-426D within 5 days (category C7 violation).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to repair leaks found on two connectors (Tag Numbers 5429 and 6173.1) in HRVOC service within 7 days (category C7 violation).

5 Date: 05/29/2015 (1211154) CN600124895
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 11 PA

Description: Failure to operate the thermal oxidizer (EPN: 11-1-100) with the exhaust oxygen concentration at or above the minimum 3 percent limit and with the firebox exit temperature at or above the minimum 1400 degrees Fahrenheit. (Category C4)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 2(F) OP

Description: Failure to create final records of non-reportable emissions events within two weeks after the end of the emissions events. (Category C3)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 1(A) OP
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 16(G) PERMIT
 Description: Failure to monitor eight pumps.
 (Category C1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 24 PERMIT
 Description: Failure to maintain a minimum destruction efficiency of 95 percent of NO for
 Burner Flare FL-170B (EPN: 12-1-2).
 (Category C4)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 1(A) OP
 Description: Failure to continuously measure the methane flow going to the Cyclohexanone 1's
 dehydro reactor, R360 (EPN: 7-2-R360).
 (Category C1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 1(A) OP
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 16(E) PERMIT
 Description: Failure to plug an open-ended line.
 (Category C10)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 23 PERMIT
 Description: Failure to maintain a minimum vent gas flare (EPN: 12-1-1) nitric oxide (NO)
 destruction efficiency of 98 percent and a minimum temperature of 1435 degrees
 Celsius.
 (category C4)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 1 PERMIT
 Description: Failure to maintain the vent gas flare FL-280 (EPN: 12-1-1) CO emissions below
 the permitted CO limit.
 (Category B14)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 1(A) OP
 Description: Failure to monitor relief valve (EPN: PVRV1BE) in Cyclohexanone-1 within 24
 hours of its release of VOC.
 (Category C1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Terms and Conditions 11 OP
 NSR Special Condition 2 PERMIT

Description: Failure to maintain a minimum acid circulation rate of 10 gallons per minute in the T-200 Oleum Storage Acid Scrubber (EPN: 14-1-51).
(Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms and Conditions 11 OP
NSR Special Condition 40(B) PERMIT

Description: Failure to monitor an open-ended line at the end of the 72 hour period following the creation of the open-ended line.
(Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms and Conditions 11 OP
NSR Special Condition 1 PERMIT

Description: Failure to prevent the T-200 Oleum Storage Acid Scrubber (EPN: 14-1-51) emissions from exceeding NSR 1445A MAERT emission limits.
(Category B14)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms and Conditions 11 OP
NSR Special Condition 1 PERMIT

Description: Failure to prevent the Caprolactam-1 S-500 scrubber (EPN: 7-1-73) emissions from exceeding NSR 1733A MAERT emission limits.

(Category B14)

- 6 Date: 06/30/2015 (1276995) CN600124895
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 07/31/2015 (1283173) CN600124895
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 08/31/2015 (1290313) CN600124895
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 09/30/2015 (1296516) CN600124895
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 10/30/2015 (1281842) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)
Permit Provision (PP) XI.F.2. PERMIT
Description: The facility failed to maintain recorders for WDW099 in proper working order.
- 11 Date: 11/06/2015 (1281840) CN600124895
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter D 305.69(b)(1)
30 TAC Chapter 305, SubChapter D 305.69(k)

- Description: Provision (PP) II.C.1.d. PERMIT
The facility failed to correctly identify Incinerator IN-5100 as Permit Unit No. 005 in the V.H.1-Incinerator table.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter H 335.261(a)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(a)
- Description: The facility failed to adhere to the time limit of one year for accumulation of universal waste from the date the universal waste was generated.
- 12 Date: 11/20/2015 (1275874) CN600124895
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(6)
5C THSC Chapter 382 382.085(b)
FOP General Terms and Conditions OP
Description: Failure to submit RATA test results with the required time frame. (Category C3)
- 13 Date: 11/24/2015 (1276002) CN600124895
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.983(b)(1)(i)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to conduct Method 21 and AVO inspections for closed-vent systems. (Category B1)

F. Environmental audits:

Notice of Intent Date: 07/09/2012 (1022679)

Disclosure Date: 09/17/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT NSR Permit No. 55239 & N126, SC 3(F)&(G)

Description: Failed to conduct monitoring - fugitive emissions monitoring of equipment leaks of VOC and HAP. 573 components associated with the SAP unit were not tagged and monitored.

Notice of Intent Date: 09/26/2012 (1037264)

Disclosure Date: 03/28/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT SC 16

Description: Fugitive emissions monitoring of equipment leaks of VOC and HAP. Failure to monitor and tag components of Cyclohexanone 1 unit and Caprolactam 1 unit. Specifically, 4005 components associated with the Cyclohexanone 1 unit and 57 components associated with the Caprolactam 1 unit were not tagged and monitored.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Description: Missed second consecutive month of monitoring of valves associated with the Cyclohexanone 1 unit and Caprolactam 1 unit.

Notice of Intent Date: 06/04/2013 (1099460)

Disclosure Date: 11/04/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)

30 TAC Chapter 115, SubChapter D 115.354(1)(C)

30 TAC Chapter 115, SubChapter D 115.354(2)(A)

30 TAC Chapter 115, SubChapter D 115.354(2)(B)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 115, SubChapter D 115.354(2)(D)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480(a)

Rqmt Prov: PERMIT NSR Permit No. 1733A, SC 16

Description: Failed to conduct fugitive VOC and HAP emissions monitoring of equipment leaks. 4617 and 129 components associated with the Cyclohexanone 2 unit and 698 components associated with the Caprolactam 2 unit were not tagged and monitored.

Notice of Intent Date: 07/21/2014 (1191389)

Disclosure Date: 01/26/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.353
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.355
30 TAC Chapter 115, SubChapter D 115.356
30 TAC Chapter 115, SubChapter D 115.357
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1050
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT SC #21

PERMIT SC #9

Description: Failure to tag and monitor 8648 components associated with the HDO unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.357
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT SC #9

Description: Failure to tag and monitor 2492 components associated with the NEOL unit.

Viol. Classification: Major

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

Rqmt Prov: PERMIT SC #1

Description: Failure to submit a permit amendment application. 8648 components associated with the HDO unit and 2492 components associated with the NEOL unit were not included in the permit representations.

Notice of Intent Date: 09/02/2014 (1197143)

No DOV Associated

Notice of Intent Date: 01/28/2015 (1227968)

No DOV Associated

Notice of Intent Date: 04/27/2015 (1248378)

No DOV Associated

Notice of Intent Date: 07/20/2015 (1280722)

No DOV Associated

Notice of Intent Date: 08/11/2015 (1286587)

No DOV Associated

Notice of Intent Date: 08/12/2015 (1286601)

No DOV Associated

Notice of Intent Date: 08/14/2015 (1286606)

No DOV Associated

Notice of Intent Date: 08/17/2015 (1282168)

No DOV Associated

Notice of Intent Date: 08/18/2015 (1282169)

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:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF CORPORATION
RN100218049

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

AGREED ORDER
DOCKET NO. 2016-0177-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an industrial wastewater treatment facility located at 602 Copper Road, southwest of the intersection of State Highway 288/332 and State Highway 288B, northwest of the City of Freeport, Brazoria County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 15, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Six Thousand Eight Hundred Seventy-Five Dollars (\$46,875) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Thirty-Seven Thousand Five Hundred Dollars (\$37,500) of the administrative penalty and Nine Thousand Three Hundred Seventy-Five Dollars (\$9,375) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003977000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 001 and 003, as documented during a record review conducted on November 19, 2015, and as shown in the effluent violation table below:

Effluent Violation Table			
Monitoring Period	Outfall No. 001		Outfall No. 003
	Total Residual Chlorine	<i>Enterococci</i>	Ammonia Nitrogen
	Daily Maximum Concentration	Daily Maximum Concentration	Daily Maximum Concentration
	Limit = 0.1 mg/L	Limit = 104 CFU/100 mL	Limit = 15 mg/L
June 2015	compliant	134	compliant
July 2015	4.89	compliant	22.4
August 2015	0.13	compliant	compliant
September 2015	0.17	compliant	compliant

mg/L = milligrams per liter
CFU/100 mL = colony forming units per 100 milliliters

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF Corporation, Docket No. 2016-0177-IWD-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. It is further ordered that the Respondent shall, within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0003977000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most

current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall 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:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, TX 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ramon Manrique Jr

For the Executive Director

9/20/16

Date

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

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

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

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

Christopher P. Witte

Signature

May 9th, 2016

Date

Christopher P. Witte

Name (Printed or typed)
Authorized Representative of
BASF Corporation

Sr. Vice President

Title

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